

VI:194192-1188 900
80753

INDIA, - DEFENCE
CO-ORDINATION
(Department of-).
Defence of India
Act, 1939 and the
rules made
thereunder. 1941.

GOVERNMENT OF INDIA
DEFENCE CO-ORDINATION DEPARTMENT

THE DEFENCE OF INDIA ACT, 1939

AND

THE RULES MADE THEREUNDER

*(Being Rules reprinted as amended up to
and including 31st October 1941)*



PUBLISHED BY THE MANAGER OF PUBLICATIONS, DEPT.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS,
1941.

Price Annas 7 or 8d.

RAJASTHAN UNIVERSITY LIBRARY

DATE LABEL (P.C.)

Call No. W-1941.2 A35 6/17

Date of Release
for loan

Accn. No. 80753

This book should be returned to the library on
before the date last stamped below.

R U.P.—U.L (525)—10,000—11-64.

159~

THE DEFENCE OF INDIA ACT, 1939.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title, extent, commencement and duration.

CHAPTER II.

EMERGENCY POWERS.

2. Powers to make rules.
3. Effect of rules, etc., inconsistent with other enactments.
4. Special powers to control civilian personnel employed in connexion with His Majesty's forces.
5. Enhanced penalties.
6. Temporary amendments of Acts.
7. Saving and temporary amendment of Act VIII of 1938.

CHAPTER III.

SPECIAL TRIBUNALS.

8. Constitution of Special Tribunals.
9. Jurisdiction of Special Tribunals.
10. Procedure of Special Tribunals.
11. Exclusion of public from proceedings of Special Tribunals.
12. Powers of Special Tribunals.
13. Sentences of Special Tribunals.

CHAPTER IV.

SUPPLEMENTAL.

14. Jurisdiction of ordinary Courts.
15. Ordinary avocations of life to be interfered with as little as possible.
16. Savings

SECTIONS.

16. Savings as to orders.
17. Protection of action taken under the Act.
18. Protection from prosecution, etc., of members of military and police forces of Indian States while serving His Majesty.
19. Compensation to be paid in accordance with certain principles for compulsory acquisition of immovable property, etc.
20. Definition.
21. Repeal and saving.

ACT No. XXXV OF 1939.

[29th September 1939.]

An Act to provide for special measures to ensure the public safety and interest and the defence of British India and the trial of certain offences.

WHEREAS an emergency has arisen which renders it necessary to provide for special measures to ensure the public safety and interest and the defence of British India and for the trial of certain offences;

AND WHEREAS the Governor-General in his discretion has declared by Proclamation under sub-section (1) of section 102 of the Government of India Act, 1935, that a grave emergency exists whereby the security of India is threatened by war;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title,
extent,
commence-
ment and
duration

1. (1) This Act may be called the Defence of India Act, 1939.

(2) It extends to the whole of British India, and it applies also—

(a) to British subjects and servants of the Crown in any part of India;

(b) to British subjects who are domiciled in any part of India wherever they may be;

(c) in respect of the regulation and discipline of any naval, military or air force raised in British India, to members of, and persons attached to, employed with, or following, that force, wherever they may be; and

(d) to, and to persons on, ships and aircraft registered in British India wherever they may be.

(3) This section shall come into force at once, and the remaining provisions of this Act shall come into force in such areas and on such date or dates as the Central Government may, by notification in the official Gazette, appoint.

(4) It

(Chapter I—Preliminary. Chapter II.—Emergency Powers.)

(4) It shall be in force during the continuance of the present war and for a period of six months thereafter.

CHAPTER II

EMERGENCY POWERS.

Powers to
make rules.

2. (1) The Central Government may, by notification in the official Gazette, make such rules as appear to it to be necessary or expedient for securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the rules may provide for, or may empower any authority to make orders providing for, all or any of the following matters, namely:—

- (i) ensuring the safety and welfare of His Majesty's forces, ships and aircraft; and preventing the prosecution of any purpose likely to prejudice the operations of His Majesty's forces or the forces of His Majesty's allies;
- (ii) prohibiting anything likely to prejudice the training, discipline or health of His Majesty's forces;
- (iii) preventing any attempt to tamper with the loyalty of persons in, or to dissuade (otherwise than with advice given in good faith to the person dissuaded for his benefit or that of any member of his family or any of his dependents) persons from entering, the service of His Majesty;
- (iv) preventing anything likely to assist the enemy or to prejudice the successful conduct of war, including—
 - (a) communications with the enemy or agents of the enemy,
 - (b) acquisition, possession without lawful authority or excuse and publication of information likely to assist the enemy,
 - (c) contribution

¹ Chapter II came into force in the whole of British India on the 14th November 1939, *vide* D. C. Dept. Notification No. 253-OR/39, dated the 14th November 1939.

(Chapter II.—Emergency Powers.)

- (c) contribution to, participation in, or assistance in, the floating of loans raised by or on behalf of the enemy, and
- (d) advance of money to, or contracts or commercial dealings with, the enemy, enemy subjects or persons residing, carrying on business, or being, in enemy territory;
- (v) preventing the spreading without lawful authority or excuse of false reports or the prosecution of any purpose likely to cause disaffection or alarm, or to prejudice His Majesty's relations with foreign powers, ¹[or with States in India, or to prejudice the maintenance of peaceful conditions in the tribal areas,] or to promote feelings of enmity and hatred between different classes of His Majesty's subjects;

Explanation.—To point out, without malicious intention and with an honest view to their removal, matters which are producing, or have a tendency to produce, feelings of enmity or hatred between different classes of His Majesty's subjects does not amount to promoting such feelings within the meaning of this clause.

- (vi) requiring the publication of news and information;
- (vii) regulating the conduct of persons in respect of areas the control of which is considered necessary or expedient, and the removal of persons from such areas;
- (viii) requiring any person or class of persons to comply with a scheme of defence;
- (ix) ensuring the safety of ports, dockyards, light-houses, lightships, aerodromes, railways, telegraphs, post offices, signalling apparatus and all other means of communication, sources of water-supply, works for the supply of water, gas or electricity and any other place or thing the protection of which is necessary for the defence of British India;

(x) the

¹ Inserted by the Defence of India (Amendment) Act, 1940 (XIX of 1940), section 2.

(Chapter II.—Emergency Powers.)

- (x) the apprehension and detention in custody of any person reasonably suspected of being of hostile origin or of having acted, acting or being about to act, in a manner prejudicial to the public safety or interest or to the defence of British India, the prohibition of such person from entering or residing or remaining in any area, and the compelling of such person to reside and remain in any area, or to do, or abstain from doing, anything;
- (xi) the control of persons entering, departing from, or travelling in, British India, and of foreigners residing or being in British India;
- (xii) prohibiting or regulating traffic, and the use of vessels, buoys, lights and signals, in ports and territorial, tidal and inland waters;
- (xiii) restricting the charter of foreign vessels;
- (xiv) regulating the structure and equipment of vessels ~~used or likely to be used by the Central Government~~, for the purpose of ensuring the safety thereof and of persons therein;
- (xv) regulating work in dockyards and shipyards in respect of the construction and repairs of vessels;
- (xvi) prohibiting or regulating the sailings of vessels from ports, traffic at aerodromes and the movement of aircraft, and traffic on railways, tramways and roads, and reserving, and requiring to be adapted, for the use of the Central Government, all or any accommodation in vessels, aircraft, railways, tramways, or road vehicles for the carriage of persons, animals or goods;
- (xvii) impressment of vessels, aircraft, vehicles and animals for transport;
- (xviii) prohibiting or regulating the use of postal, telegraph or telephonic services, including the taking possession of such services and the delaying, seizing, intercepting or interrupting of postal articles or telegraphic or telephonic messages;
- (xix) regulating

(Chapter II.—Emergency Powers.)

- (xix) regulating the delivery otherwise than by postal or telegraphic service of postal articles and telegrams;
- (xx) the control of ~~any trade or industry~~ for the purpose of regulating or increasing the supply of, and the obtaining of information with regard to, articles or things of any description whatsoever which can be used in connection with the conduct of war or for maintaining supplies and services essential to the life of the community;
- (xxi) ensuring the ownership and control of mines by British subjects;
- (xxii) controlling the use or disposal of, or dealings in, coin, bullion, securities or foreign exchange;
- (xxiii) the control of any road or pathway, waterway, ferry or bridge, river, canal or other source of water-supply;
- (xxiv) the requisitioning of any property, movable or immovable, including the taking possession thereof and the issue of any orders in respect thereof;
- (xxv) prohibiting or regulating the possession, use or disposal of—
 - (a) explosives, inflammable substances, arms and ammunitions of war,
 - (b) vessels,
 - (c) wireless telegraphic apparatus,
 - (d) aircraft, and
 - (e) photographic and signalling apparatus and any means of recording information;
- (xxvi) applying the provisions of the Sea Customs Act, 1878, and in particular section 19 thereof, to the prohibition or restriction of the import or export of goods to a particular person or a particular class of persons;
- (xxvii) prohibiting or regulating the bringing into, or taking out of, British India and the possession, use or transmission of ciphers and other secret means of communicating information;

(xxviii) Prohibiting

(Chapter II.—Emergency Powers.)

- (xxviii) prohibiting or regulating the publication of inventions and designs;
 - (xxix) preventing the disclosure of official secrets;
 - (xxx) prohibiting or regulating meetings, assemblies, fairs and processions;
 - (xxxi) preventing or controlling any use, calculated to prejudice the public safety, the maintenance of public order, the defence of British India or the prosecution of war, of uniforms, flags and insignia and of anything similar thereto;
 - (xxxii) ensuring the accuracy of any report or declaration legally required of any person;
 - (xxxiii) preventing the unauthorised change of names;
 - (xxxiv) preventing anything likely to cause misapprehension in respect of the identity of any official person, official document or official property or in respect of the identity of any person, document or property purporting to be, or resembling, an official person, official document or official property;
 - (xxxv) entry into, and search of, any place reasonably suspected of being used for any purpose prejudicial to the public safety or interest, to the defence of British India or to the efficient prosecution of war, and for the seizure and disposal of anything found there and reasonably suspected of being used for such purpose.
- (3) The rules made under sub-section (1) may further—
- (i) provide for the arrest and trial of persons contravening any of the rules;
 - (ii) provide that any contravention of, or any attempt to contravene, and any abetment of, or attempt to abet, the contravention of any of the provisions of the rules, or any order issued under any such provision, shall be punishable with imprisonment for a term which may extend to seven years or with fine or with both;

(iii) provide

(Chapter II.—Emergency Powers.)

(iii) provide for the seizure, detention and forfeiture of any property in respect of which such contravention, attempt or abetment as is referred to in the preceding clause has been committed;

(iv) confer power and impose duties—

(a) upon the Central Government or officers and authorities of the Central Government as respects any matter, notwithstanding that that matter is one in respect of which the Provincial Legislature also has power to make laws, and

(b) upon any Provincial Government or officers and authorities of any Provincial Government as respects any matter notwithstanding that that matter is one in respect of which the Provincial Legislature has no power to make laws;

(v) prescribe the duties and powers of public servants and other persons as regards preventing the contravention of, or securing the observance of, the rules;

(vi) provide for preventing obstruction and deception of, and disobedience to any person acting, and interference with any notice issued, in pursuance of the rules;

(vii) prohibit attempts by any person to screen from punishment any one, other than the husband or wife of such person, contravening any of the rules;

(viii) empower or direct any authority to take such action as may be specified in the rules or as may seem necessary to such authority for the purpose of ensuring the public safety or interest or the defence of British India;

(ix) provide for charging fees in respect of the grant or issue of any licence, permit, certificate or other document for the purposes of the rules.

(4) The Central Government may by order direct that any power or duty which by rule under sub-section

(1) is

(Chapter II.—Emergency Powers.)

(1) is conferred or imposed upon the Central Government shall in such circumstances and under such conditions, if any, as may be specified in the direction be exercised or discharged—

(a) by any officer or authority subordinate to the Central Government, or

(b) whether or not the power or duty relates to a matter with respect to which a Provincial Legislature has power to make laws, by any Provincial Government or by any officer or authority subordinate to such Government, or

(c) by any other authority.

(5) A Provincial Government may by order direct that any power or duty which by rule made under sub-section (1) is conferred or imposed on the Provincial Government, or which, being by such rule conferred or imposed on the Central Government, has been directed under sub-section (4) to be exercised or discharged by the Provincial Government, shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any officer or authority, not being ¹[(except in the case of a Chief Commissioner's Province)] an officer or authority subordinate to the Central Government.

3. Any rule made under section 2, and any order made under any such rule, shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

4. The Central Government may, by notification in the official Gazette, direct by general or special order that any persons who, not being members of His Majesty's forces, are attached to, or employed with, or following, those forces, shall be subject to naval, military or air force law, and thereupon such persons shall be subject to discipline, and liable to punishment for offences, under the Indian Navy (Discipline) Act, 1934, ^{xxxiv of 1934.} the Indian Army Act, 1911, or the Indian Air Force Act, 1932, as the case may require, as if they were ^{viii of 1911.} ^{xiv of 1932.} included in such class of persons subject to any of those Acts as may be specified in the notification.

5. (1) If

¹ Inserted by the Defence of India (Amendment) Act, 1940 (XIX of 1940), section 2.

Effect of
rules, etc.,
inconsistent
with other
enactments.

Special
powers to
control
civilian
personnel
employed in
connection
with His
Majesty's
forces.

(Chapter II.—Emergency Powers.)

5. (1) If any person, with intent to wage war against His Majesty or to assist any State at war with His Majesty, contravenes any provision of the rules made under section 2 or any order issued under any such rule, he shall be punishable with death, or transportation for life, or imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Enhanced penalties.

(2) If any person—

(a) contravenes any such provision of, or any such rule or order made under, the Indian Aircraft Act, 1934, as may be notified in this behalf by the Central Government, or

(b) in any area notified in this behalf by a Provincial Government, contravenes any such provision of, or any such rule made under, the Indian Arms Act, 1878, the Indian Explosives Act, 1884, or the Explosive Substances Act, 1908, as may be notified in this behalf by the Provincial Government,

1 of 1934.

1878.

1884.

1908.

he shall, notwithstanding anything contained in any of the aforesaid Acts or rules made thereunder, be punishable with imprisonment for a term which may extend to five years, or, if his intention is to assist any State at war with His Majesty or to wage war against His Majesty, with death, transportation for life, or imprisonment for a term which may extend to ten years, and shall in either case also be liable to fine.

(3) For the purposes of this section, any person who attempts to contravene, or abets or attempts to abet, or does any act preparatory to, a contravention of, a provision of any law, rule or order, shall be deemed to have contravened that provision.

6. During the continuance of this Act,—

(1) section 1 of the Geneva Convention Act, 1911, shall have effect in British India as if, in sub-section (1) thereof, for the words "shall be liable on summary conviction to a fine not exceeding ten pounds", the words "shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to a fine" had been substituted;

Temporary amendments of Acts.

Geo. 5,

(2) section

(Chapter II.—Emergency Powers.)

(2) section 5 of the Indian Official Secrets Act, 1923, XIX of 1923 shall have effect as if—

(a) in sub-section (1) thereof, after the words "in his possession or control" the words "any information likely to assist the enemy, as defined in the rules made under the Defence of India Act, 1939, or" had been inserted, and after the words "in such a place" the words "or which relates to, or is used in, a protected area, as defined in the rules made under the Defence of India Act, 1939, or relates to anything in such an area," had been inserted; and

(b) for sub-section (4) thereof, the following sub-section had been substituted, namely :—

"(4) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to five years, or, if such offence is committed with intent to assist any State at war with His Majesty, or to wage war against His Majesty, with death, or transportation for life, or imprisonment for a term which may extend to ten years, and shall in either case also be liable to fine." ; *See slip*

(2A) (3) the Indian Press (Emergency Powers) Act, 1931, XXIII of 1931, shall have effect as if in sub-section (1) of section 4 thereof, after clause (b), the following word and clause had been inserted, namely :—

"or

(bb) directly or indirectly convey any 'confidential information', any 'information likely to assist the enemy' or any 'prejudicial report', as defined in the rules made under the Defence of India Act, 1939, or are calculated to instigate the contravention of any of those rules," ;

(4) The Indian Aircraft Act, 1934, shall have effect XXII of 1934 as if—

(a) at the end of clause (r) of sub-section (2) of section 5 the following words had been inserted, namely :—

"including the taking of steps necessary to secure compliance with, or to prevent contravention
of

(Chapter II.—Emergency Powers.)

of, the rules regulating such matters, or, where any such rule has been contravened, to rectify, or to enable proceedings to be taken in respect of, such contravention”;

(b) in clause (b) of sub-section (1) of section 8, for the words, brackets, letters and figures “clause (h) or clause (i) of sub-section (2) of section 5”, the words, brackets, letters and figures “clauses (d), (e), (h), (i), (k) or (l) of sub-section (2) of section 5, or the commission of an offence punishable under section 11,” had been substituted;

(c) in section 11, after the words “in the air” the words “ or in such a manner as to interfere with any of His Majesty’s forces, ships or aircraft” had been inserted;

(d) in section 13, for the words, brackets, figures and letters “clause (i) or clause (l) of sub-section (2) of section 5” the words, brackets, figures and letters “clauses (c), (d), (e), (h), (i), (j), (k) or (l) of sub-section (2) of section 5, or punishable under section 11” had been substituted; and

(e) section 14 had been omitted; and

(5) ~~the Indian Navy (Discipline) Act, 1934, shall have effect as if for section 90 of the Naval Discipline Act as set forth in the First Schedule to the first named Act the following section had been substituted, namely:—~~

“90. (1) If any person who would not otherwise be subject to this Act enters into an engagement with the Central Government to serve His Majesty—

(a) in a particular ship, or

(b) in such particular ship or in such ships as the Officer Commanding the Indian Navy, or any officer empowered in this behalf by the Officer Commanding the Indian Navy, may from time to time determine,

and agrees to become subject to this Act upon entering into the engagement, that person shall, so long as the engagement remains in force, and notwithstanding that for the time being he may not be serving in any ship, be subject to this Act, and the provisions of this Act shall apply in relation to that person, as if, while subject to this Act, he belonged to His Majesty’s navy and were borne on the books of one of His Majesty’s ships in commission.

(2) The

(Chapter II.—Emergency Powers. Chapter III.—
Special Tribunals.)

(2) The Central Government may by order direct that, subject to such exceptions as may in particular cases be made by or on behalf of the Officer Commanding the Indian Navy, persons of any such class as may be specified in the order shall, while subject to this Act by virtue of this section, be deemed to be officers or petty officers, as the case may be, for the purposes of this Act or of such provisions of this Act as may be so specified; and any such order may be varied or revoked by a subsequent order."

(6)

Savings and temporary amendment of Act VIII of 1938.

7. (1) Notwithstanding anything contained in the Indian Tea Control Act, 1938, the Central Government may appoint any person to be an additional member of, and to act as Chairman of, the Indian Tea Licensing Committee during the continuance of this Act, and on such appointment being made and until this Act ceases to be in force, the Chairman of the said Committee elected under section 5 of that Act shall cease to exercise the functions of Chairman. VIII of 1938.

(2) If in pursuance of any scheme for the control of import of Indian tea into the United Kingdom, the Central Government considers it necessary or expedient so to do, it may by order direct the Indian Tea Licensing Committee to apportion the requirement of the United Kingdom among the tea estates in accordance with such principles as may be laid down in the order, and the said Committee shall comply with such order.

(3) If at any time during the continuance of this Act, the agreement referred to in the preamble to the Indian Tea Control Act, 1938, is determined or otherwise ceases to be valid as between the parties thereto, the provisions of that Act shall, notwithstanding the said determination or invalidity of the agreement, continue in force : VIII of 1938.

Provided that nothing in this sub-section shall be construed as continuing the Indian Tea Control Act, 1938, in force after the 31st day of March, 1943. VIII of 1938.

CHAPTER III.

SPECIAL TRIBUNALS.

Constitution of Special Tribunals.

8. (1) The Provincial Government may for the whole or any part of the Province constitute Special Tribunals which shall consist of three members appointed by the Provincial Government.

(2) No

(Chapter III.—Special Tribunals.)

(2) No person shall be appointed as a member of a Special Tribunal unless he—

- o. 5, o. 2.
- (a) is qualified under sub-section (3) of section 220 of the Government of India Act, 1935, for appointment as a Judge of a High Court; or .
- (b) has for a total period of not less than three years exercised, whether continuously or not, the powers under the Code of Criminal Procedure, 1898 (hereafter in this Chapter referred to as the Code) of any one or more of the following, namely :—
- 898.
- (i) Sessions Judge, Additional Sessions Judge, Chief Presidency Magistrate, Additional Chief Presidency Magistrate,
- (ii) District Magistrate, Additional District Magistrate.

(3) At least one member of a Special Tribunal shall be qualified for appointment thereto under clause (a) of sub-section (2), and where only one member is so qualified under that clause, at least one other member shall be qualified for appointment under clause (b) of that sub-section by virtue of having exercised powers exclusive of those specified in sub-clause (ii) of the said clause (b).

9. The Provincial Government may, by general or special order, direct that a Special Tribunal shall try any offence—

Jurisdiction of
Special
Tribunals

- (a) under any rule made under section 2, or
- (b) punishable with death, transportation or imprisonment for a term which may extend to seven years,—

triable by any Court having jurisdiction within the local limits of the jurisdiction of the Special Tribunal, and may in any such order direct the transfer to the Special Tribunal of any particular case from any other Special Tribunal or any other Criminal Court not being a High Court.

10. (1) A Special Tribunal may take cognizance of offences without the accused being committed to it for trial.

Procedure of
Special
Tribunals.

(2) Save in cases of trials of offences punishable with death or transportation for life, it shall not be necessary

(Chapter III.—Special Tribunals.)

necessary in any trial for a Special Tribunal to take down the evidence at length in writing, but the Special Tribunal shall cause a memorandum of the substance of what each witness deposes to be taken down in the English language, and such memorandum shall be signed by a member of the Special Tribunal and shall form part of the record.

(3) A Special Tribunal shall not be bound to adjourn any trial for any purpose unless such adjournment is, in its opinion, necessary in the interests of justice.

(4) A Special Tribunal shall not, merely by reason of a change in its members, be bound to recall and rehear any witness who has given evidence, and it may act on the evidence already recorded by or produced before it.

(5) After an accused person has once appeared before it, a Special Tribunal may try him in his absence if, in its opinion, his absence has been brought about by the accused himself for the purpose of impeding the course of justice, or if the behaviour of the accused in Court has been such as, in the opinion of the Special Tribunal, to impede the course of justice.

(6) In the event of any difference of opinion among the members of a Special Tribunal, the opinion of the majority shall prevail.

(7) The Provincial Government may, by notification in the official Gazette, make rules providing for—

(i) the times and places at which Special Tribunals may sit; and

(ii) the procedure to be adopted in the event of any member of a Special Tribunal being prevented from attending throughout the trial of any accused person.

(8) A Special Tribunal shall, in all matters in respect to which no procedure has been prescribed by this Act or by rules made thereunder, follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates.

Exclusion of public from proceedings of Special Tribunals.

11. In addition, and without prejudice, to any powers which a Special Tribunal may possess by virtue of any law for the time being in force to order the exclusion of the public from any proceedings, if at any stage in the course of a trial of any person before a Special Tribunal application is made by the prosecution, on the ground

(Chapter III.—*Special Tribunal.* Chapter IV.—*Supplemental.*)

ground that the publication of any evidence to be given or of any statement to be made in the course of the trial would be prejudicial to the safety of the State, that all or any portion of the public shall be excluded during any part of the hearing, the Special Tribunal may make an order to that effect, but the passing of sentence shall in any case take place in public.

12. A Special Tribunal shall have all the powers conferred by the Code on a Court of Session exercising original jurisdiction. Powers of Special Tribunals.

13. (1) A Special Tribunal may pass any sentence authorised by law. Sentences of Special Tribunals.

(2) A person sentenced by a 'Special Tribunal—

(a) to death or transportation for life, or

(b) to imprisonment for a term extending to ten years under section 5 of this Act or under subsection (4) of section 5 of the Indian Official Secrets Act, 1923, as amended by section 6 of this Act—

XIX of 1923.

shall have a right of appeal to the High Court within whose jurisdiction the sentence has been passed, but save as aforesaid and notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall be no appeal from any order or sentence of a Special Tribunal, and no Court shall have authority to revise such order or sentence, or to transfer any case from a Special Tribunal, or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of a Special Tribunal.

(3) The powers conferred upon the Provincial Government and the Governor General by Chapter XXIX of the Code shall apply in respect of a person sentenced by a Special Tribunal.

CHAPTER IV.

SUPPLEMENTAL.

14. Save as otherwise expressly provided by or under this Act, the ordinary criminal and civil Courts shall continue to exercise jurisdiction. Jurisdiction of ordinary Courts.

15. Any

¹ Chapter IV came into force in the whole of British India on the 14th November 1939, *vide* D. C. Dept. Notification No. 253-OR/39, dated the 14th November 1939.

(Chapter IV.—Supplemental.)

Ordinary
avocations of
life to be
interfered
with as little
as possible.

15. Any authority or person acting in pursuance of this Act shall interfere with the ordinary avocations of life and the enjoyment of property as little as may be consonant with the purpose of ensuring the public safety and interest and the defence of British India.

Savings as to
orders.

16. (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any Court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a Court shall, within the meaning of the Indian Evidence Act, 1872, presume that such order was so made by that authority. 1 of 1872.

Protection of
action taken
under the Act.

17. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

(2) Save as otherwise expressly provided under this Act, no suit or other legal proceeding shall lie against the Crown for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

18. Every provision of law for the time being in force which gives protection, whether specifically or otherwise, to members of His Majesty's military forces or of the police forces in British India from [or in respect of] any prosecution or other legal proceedings or from [or in respect of] any other liability shall apply also to members of the military or police forces respectively of any Indian State, while attached to, operating with or assisting any of His Majesty's military forces or any police force in British India. *See slip*

Compensation
to be paid in
accordance
with certain
principles for
compulsory
acquisition of
immovable
property, etc.

19. (1) Where by or under any rule made under this Act any action is taken of the nature described in sub-section (2) of section 299 of the Government of India Act, 1935, there shall be paid compensation, the amount of which shall be determined in the manner, and in accordance with the principles, hereinafter set out, that is to say:—

26 Geo. 5, c. 2.

(a) Where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement.

(b) Where

¹ Inserted by the Defence of India (Amendment) Act, 1940 (XIX of 1940), section 3.

(Chapter IV.—Supplemental.)

(b) Where no such agreement can be reached, the Central Government shall appoint as arbitrator a person qualified under sub-section (3) of section 220 of the above-mentioned Act for appointment as a Judge of a High Court

(c) The Central Government may, in any particular case, nominate a person having expert knowledge as to the nature of the property acquired, to assist the arbitrator, and where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose.

(d) At the commencement of the proceedings before the arbitrator, the Central Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation.

(e) The arbitrator in making his award shall have regard to—

(i) the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894, so far as the same can be made applicable; and

(ii) whether the acquisition is of a permanent or temporary character.

(f) An appeal shall lie to the High Court against an award of an arbitrator except in cases where the amount thereof does not exceed an amount prescribed in this behalf by rule made by the Central Government.

(g) Save as provided in this section and in any rules made thereunder, nothing in any law for the time being in force shall apply to arbitrations under this section.

(2) The Central Government may make rules for the purpose of carrying into effect the provisions of this section.

(3) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the procedure to be followed in arbitrations under this section;

(b) the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal;

(c) the

(Chapter IV.—Supplemental.)

(c) the maximum amount of an award against which no appeal shall lie.

Definition.

20. In this Act, unless there is anything repugnant in the subject or context, the expression "Provincial Government" means, in relation to a Chief Commissioner's Province, the Chief Commissioner.

Repeal and saving.

21. The Defence of India Ordinance, 1939, is hereby repealed; and any rules made, anything done and any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 3rd day of September, 1939. Ord. V of 1939.

THE DEFENCE OF INDIA RULES

**{Being Rules made under the Defence of India
Act, 1939, reprinted as amended up to and
including 31st October 1941.)**

THE DEFENCE OF INDIA RULES.

CONTENTS.

PART I.

PRELIMINARY.

1. Short title.
2. Definitions.
3. Interpretation.
4. Saving.
5. Non-compliance with these Rules or Orders made thereunder.

PART II.

ACCESS TO CERTAIN PREMISES AND AREAS.

6. Prohibited places.
7. Protected places.
8. Protected areas.
- 8A. Forcing or evading a guard.
9. Regulations for certain places and areas.
10. Trespassing on certain premises.
11. Loitering near certain premises.
12. Power to close roads, etc.

PART III.

CONTROL OF SIGNALLING, TELEGRAPHY, POSTAL COMMUNICATIONS, ETC.

13. Prohibition of signalling.
14. Control of signalling apparatus.
15. Control of landmarks, etc.
16. Control of Wireless telegraphy.
17. Control of telephones and telegraphs.
18. Power to detain or paraphrase telegrams.
19. Possession and use of means of secret communication.
20. Control of postal communications.
21. Power to intercept and censor postal articles.
22. Power to prohibit, and to search, etc., travellers conveying non-postal correspondence.

PART IV.

RESTRICTION OF MOVEMENTS AND ACTIVITIES OF PERSONS.

- 23. Entering enemy territory.
- 24. Entering British India.
- 25. Leaving British India.
- 26. Restriction of movements of suspected persons, restriction orders and detention orders.
- 27. Powers of photographing, etc., suspected persons.
- 28. Prisoners of war, etc.
- 29. Change of name by British subjects.

PART V.

RESTRICTIONS ON FOREIGNERS.

- 30. Definition.
- 31. Power to impose restrictions on foreigners.
- 31A. [Deleted.]
- 32. Obligations of masters of vessels, etc.
- 33. Change of name by foreigners.

PART VI.

PREVENTION OF PREJUDICIAL ACTS AND CONTROL OF
INFORMATION.

- 34. Definitions.
- 35. Sabotage.
- 36. Interference with postal and telegraphic communications.
- 37. Communications with persons engaged in assisting the enemy.
- 37A. Articles likely to afford information or other assistance to the enemy.
- 38. Prohibition of prejudicial acts, publications and communications.
- 39. Illegal possession of certain information and publications.
- 40. Proscription, etc., of certain documents.
- 41. Power to impose censorship.
- 42. Publication of inventions and designs.
- 43. Control of dramatic performances.
- 44. Control of cinematographs.
- 45. General control of photography.
- 45A. Matters required to be disclosed under the Indian Companies Act, 1913.

PART VII.

FALSE REPRESENTATIONS, ETC.

- 46. Personation and misleading acts and misrepresentations.
- 47. Forgery and improper use of official documents, etc.
- 48. Improper use of uniforms, etc.

PART VIII.

PREPARATIONS FOR DEFENCE

- 49. Evacuation of areas.
- 50. Accommodation of evacuated persons.
- 50A. Defence Exercises.
- 51. Precautions against hostile attack.
- 51A. Watching of premises to detect fire.
- 51B. Measures for dealing with outbreaks of fire.
- 51C. Protection of factories and mines.
- 51D. Security of buildings.
- 51E. Camouflage.
- 51F. Power to require local authorities to take precautionary measures.
- 52. Control of lights and sounds.
- 53. Curfew.

PART IX.

CONTROL OF ARMS AND EXPLOSIVES.

- 54. Carrying and possession of arms and explosives.
- 55. Manufacture and transport of explosives and other dangerous articles.

PART X.

PUBLIC SAFETY AND ORDER.

- 56. Control of processions, meetings, etc.
- 57. Power to restrict use of motor vehicles.
- 58. Unlawful drilling.
- 59. Unofficial uniforms, etc.

PART XI.

SHIPPING AND AIRCRAFT.

- 60. General control of navigation.
- 60A. Power to exclude Indian vessels from particular areas.
- 61. Control of buoys, lights, etc.
- 62. Measures for safety of Indian vessels.
- 62A. Measures for safety of vessels in ports.
- 63. Employment in Indian vessels.
- 63A. Officers authorised in United Kingdom deemed duly certificated.
- 64. Employment abroad of agents for Indian vessels.
- 65. Control of trade by sea.

- 66. Requisitioning of vessels.
- 67. Power to restrict the transfer of vessels.
- 68. Power to take up accommodation in certain vessels.
- 69. Stopping of vessels.
- 70. Power to restrict the transfer of aircraft.
- 71. Enforcement of provisions of the Indian Aircraft Act and rules.
- 72. Requisitioning of aircraft.
- 73. Power to take up accommodation in aircraft.
- 74. Stopping of aircraft.
- 75. Control of navigation of seaplanes.

PART XII.

ESSENTIAL SUPPLIES AND WORK.

- 76. Powers relating to buildings and premises.
- 76A. Powers relating to storage accommodation.
- 77. Power to exempt buildings from the operation of building laws.
- 78. Power to do work on land.
- 79. Requisitioning of land.
- 80. Use of land for purposes of His Majesty's forces.
- 81. General control of industry, etc.
- 82. Restriction on transfer of mines.
- 83. Requisitioning of movable property.
- 84. Power to prohibit or restrict the import and export of goods.
- 84A. Definitions.
- 84B. Power of Central Government to grant licences under patents, or designs of enemies and enemy subjects.
- 84C. Effect of wrong decision as to enemy character.

PART XIII.

TRANSPORT.

- 85. Control of lines of communication for defence purposes.
- 85A. Control of carriage of goods by railways.
- 85B. Control of carriage of persons by railways.
- 86. Control of traffic at ports and aerodromes.
- 87. Congestion of traffic at ports and aerodromes and on railways.

- 88. Handling and conveyance of ammunition, etc.
at ports.
- 88A. Vehicles belonging to the Central Government.
- 89. Control of road and water transport.

PART XIV.

FINANCIAL PROVISIONS.

- 90. Prohibitions regarding coin and notes.
- 90A. Control of use, etc., of imported silver.
- 90B. Restriction on export of money and gold.
- 91. Restriction on purchases of foreign exchange.
- 92. Acquisition by the Central Government of foreign
exchange.
- 92A. Restrictions on payments, etc.
- 92B. Blocked accounts.
- 92C. Power to prohibit action on certain orders as to
gold, etc.
- 93. Restriction on purchases and export of securities.
- 94. Acquisition by the Central Government of foreign
securities.
- 95. Banks to satisfy themselves that provisions are
not contravened.
- 96. Compensation.

PART XV.

CONTROL OF TRADING WITH ENEMY.

- 97. Definition.
- 98. Prohibition of trading with the enemy.
- 99. Control of rights, etc., in respect of trading with
the enemy.
- 100. Power to appoint Controllers, etc., of Enemy
Trading.
- 100A. Powers of Controllers, etc., of Enemy Trading.
- 101. Supervision of suspected business.
- 101A. Penalty for failure to comply with orders of
Controllers, etc.
- 102. Penalty for concealment, destruction, etc., of
books or documents.

PART XVI.

CONTROL OF ENEMY FIRMS.

- 103. Definitions.
- 104. Prohibition of trade with enemy firms and pur-
chase of enemy currency.
- 105. Power to appoint Controllers, etc., of enemy firms.
- 106. Powers of Controllers, etc., of enemy firms.

- 107. Supervision of suspected business.
- 107A. Supervision of firms suspected to be enemy firms.
- 108. Penalty for failure to comply with orders of Controller, etc.
- 109. Penalty for concealment, destruction, etc., of books or documents.
- 110. Contracts with enemy firms.
- 111. Transfer of property to or by enemy firms.
- 112. Transfer and allotment of securities to or by enemy firms.
- 113. Transfer of negotiable instruments and actionable claims by enemy firms.
- 113A. Power to carry on business of enemy firm.
- 114. Collection of debts of enemy firms and custody of property.
- 114A. Power to control and wind up certain businesses.

PART XVII.

MISCELLANEOUS PROVISIONS.

- 115. Derelict articles.
- 116. Power to obtain information.
- 117. False statements.
- 117A. Power to require production of books, etc.
- 118. Prohibition against disclosing information.
- 119. Publication, affixation and defacement of notices.
- 120. Obstructing lawful authorities.

PART XVIII.

SUPPLEMENTARY AND PROCEEDURAL.

- 121. Attempts, etc., to contravene the Rules.
- 122. Offences by corporations.
- 123. Assisting offenders.
- 124. Power to issue search-warrants.
- 125. Power to search vessels in tidal or territorial waters.
- 126. Further powers of search.
- 127. Entry and inspection of land.
- 128. General power to arrest without warrant.
- 129. Further powers of arrest and detention.
- 130. Cognizance of contraventions of the Rules, etc.
- 130A. Special provision regarding bail.
- 131. Special sanction for certain prosecutions.
- 132. Power to give effect to rules, orders, etc.

[THE DEFENCE OF INDIA RULES.]

PART I.

Preliminary.

Short Title. 1. These Rules may be called the Defence of India Rules.

Definitions. 2. In these Rules, unless there is anything repugnant in the subject or context,—

(1) "enemy" means any person or State at war with His Majesty;

²[(2) "enemy territory" means—

(a) any area which is under the sovereignty of, or administered by, or for the time being in the occupation of, a State at war with His Majesty, not being an area in the occupation of His Majesty or of a State allied with His Majesty, and

(b) any area which may be notified by the Central Government to be enemy territory;]

(3) "notified" and "notification" mean notified and notification respectively in the official Gazette;

(4) "Ordinance" means the Defence of India Ordinance, 1939;

(5) "prescribed" means prescribed by any order, direction or regulation made or given in pursuance of any of these Rules;

(6) "prohibited place" means a prohibited place as defined in sub-section (8) of section 2 of the Indian Official Secrets Act, 1923;

(7) "protected place" means a place declared under rule 7 to be a protected place;

(8) "protected area" means an area declared under rule 8 to be a protected area;

(9) "Provincial Government" means in relation to a Chief Commissioner's Province the Chief Commissioner;

¹ Published in the Gazette of India Extraordinary, dated the 3rd September 1939, *vide* D. C. Dept. Notification No. 221/1-OR of the same date.

² Substituted by D. C. Dept. Notification No. 529-OR/40, dated the 23rd July 1940, for the original clause (2).

V of 1860.

(10) "public servant" includes any public servant as defined in the Indian Penal Code and any servant of any local authority or railway administration ;

(11) "requisition" means in relation to any property to take possession of the property or to require the property to be placed at the disposal of the requisitioning authority ;

(12) "war" means any war in which His Majesty may for the time being be engaged.

of 1897.

3. (1) The General Clauses Act, 1897, shall apply to the interpretation of these Rules as it applies to the interpretation of a Central Act. Interpretation.

(2) Any reference in these Rules to the forces, vessels, aircraft, servants, subjects or prisoners of war of His Majesty shall, unless there is anything repugnant in the subject or context, be deemed to include the forces, vessels, aircraft, servants, subjects, or prisoners of war, as the case may be, of any part of His Majesty's dominions, of any territories under the protection or suzerainty of His Majesty and of any State in alliance with His Majesty.

(3) Any reference in these Rules to the master of a vessel or the pilot of an aircraft shall be construed as including a reference to the person for the time being in charge of the vessel or aircraft, as the case may be.

4. No prohibition, restriction or disability imposed by or under these Rules shall apply to anything done by or under the direction of any member of His Majesty's forces or any public servant acting in the course of his duty as such member or public servant. Savings.

5. If any person to whom any provision of these Rules relates, or to whom any order made in pursuance of these Rules is addressed or relates, or who is in occupation, possession or control of any land, building, vehicle, vessel or other thing to which such provision relates, or in respect of which such order is made— Non-compliance with these Rules or orders made thereunder.

(a) fails, without lawful authority or excuse himself, or in respect of any land, building, vehicle, vessel or other thing of which he is in occupation, possession or control, to comply, or to secure compliance, with such provision or order, or

(b) evades, or attempts to evade, by any means such provision, or order,—

he shall be deemed to have contravened ^{Such provision} ~~such provision or of these Rules or, as the case may be, such provision of these Rules as authorise the making of such order~~; and in these Rules the expression "contravention" with its grammatical variations includes any such failure, evasion or attempt to evade.

PART II.

Access to certain premises and areas.

Prohibited places.

6. (1) No person shall, without the permission of ¹[the Central Government or the Provincial Government,] enter, or be on or in, or pass over, or loiter in the vicinity of, any prohibited place.

(2) Where in pursuance of sub-rule (1) any person is granted permission to enter, or to be on or in, or to pass over, a prohibited place, that person shall, while acting under such permission, comply with such orders for regulating his conduct as may be given by ¹[the Central Government or the Provincial Government].

(3) Any police officer, or any other person authorised in this behalf by ¹[the Central Government or the Provincial Government,] may search any person entering, or seeking to enter, or being on or in, a prohibited place, and may detain any such person for the purpose of searching him :

Provided that no female shall be searched in pursuance of this sub-rule except by a female.

(4) If any person is in a prohibited place in contravention of this rule, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by any police officer or by any other person authorised in this behalf by ¹[the Central Government or the Provincial Government].

(5) If any person is in a prohibited place in contravention of any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years ²[or with fine or with both].

7. If ^{(the} the Central Government or the Provincial Government considers it necessary or expedient that special precautions should be taken to prevent the entry

¹ Substituted by D. C. Dept. notification No. 936-OR/41, dated the 19th July 1941, for the words "the Central Government".

² Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

of unauthorised persons ~~into any place~~, that Government may by ~~notified~~ order declare ~~any place~~ to be a protected place; and thereupon the provisions of rule 6 and of the Indian Official Secrets Act, 1923, shall have effect ¹[in relation to such place] as if references therein to a prohibited place and the Central Government were construed as references to a protected place and the Government making the declaration.

XIX of 1923.

or places }

8. (1) If the Central Government or the Provincial Government considers it necessary or expedient to regulate the entry of persons into any area, that Government may, without prejudice to the provisions of any other rule, by ~~notified~~ order declare the area to be a protected area; and thereupon, for so long as the order is in force, such area shall be a protected area for the purposes of these Rules. Protected area.

(2) On and after such day as may be specified in, and subject to any exemptions for which provision may be made by, an order made under sub-rule (1), no person who was not at the beginning of the said day resident in the area declared to be a protected area by the said order shall be therein except in accordance with the terms of a permit in writing granted to him by an authority or person specified in the said order.

(3) If any person is in a protected area in contravention of the provisions of this rule, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by or under the direction of any police officer or any member of His Majesty's forces on duty in the protected area.

(4) If any person is in a protected area in contravention of any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years ²[or with fine or with both].

³[8A. Any person who effects or attempts to effect entry into a prohibited place, protected place or protected area Forcing or evading a guard.

(a) by using, or threatening to use, criminal force to any person posted for the purpose of protecting, or of preventing or controlling access to, such place or area, or

¹ Substituted by the Defence Co-ordination Department notification No. 256-OR/39, dated the 23rd October 1939 for the words "in such place".

² Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

³ Inserted by D. C. Dept. notification No. 836-OR/41, dated the 19th July 1941.

(b) after taking precautions to conceal his entry or attempted entry from any such person, shall be punishable with imprisonment for a term which may extend to seven years.]

Orders
for certain
places and
areas.

9. ¹[(1) Without prejudice to the provisions of any other rule, the Central Government or the Provincial Government, as respects—

(a) any prohibited place,

(b) any place or area declared by it to be a protected place or protected area, or

(c) any other place or area in relation to which it appears to it to be necessary to take special precautions in the interests of the defence of British India, the public safety, the maintenance of public order, the efficient prosecution of war, or the maintenance of supplies and services essential to the life of the community,

may make orders for controlling or regulating the admission of persons to, and the conduct of persons in, and in the vicinity of, such place or area.]

(2) Without prejudice to the generality of the foregoing provisions, orders made under sub-rule (1) in relation to any place or area may make provision—

(a) for restricting the admission of persons to such place or area and for removing therefrom any person who is therein in contravention of the orders or who has been convicted of—

(i) any contravention of the provisions of these Rules, or

(ii) any offence against public order or decency ;

(b) for requiring the presence of any person or class of persons in such place or area to be notified to a prescribed authority and for requiring any person who has been convicted of any such offence as is mentioned in clause (a) of this sub-rule to report his movements while in such place or area and to observe any other condition imposed upon him by a prescribed authority ;

(c) for requiring any person or class of persons in such place or area to carry such documentary evidence of identity as may be prescribed ; and

¹ Substituted by D. C. Dept. notification No. 936-OR/41, dated the 19th July 1941, for sub-rule (1) of rule 9, which was previously substituted by D. C. Dept. notification No. 305-OR/39, dated the 15th February 1941, for the original sub-rule.

- (d) for prohibiting any person or class of persons from being in possession or control of any prescribed article.

¹[(2a) An order made under this rule in respect of a prohibited place, protected place or protected area may exempt such place or area from all or any of the provisions of these rules which are expressed to apply to or in relation to a prohibited place, protected place or protected area as the case may be or may direct that all or any of the said provisions shall apply subject to such modifications as may be specified in the order.

(2b) An order made under this rule in respect of a place or area which is not a prohibited place, protected place or protected area may direct that all or any of the provisions of these rules which are expressed to apply to or in relation to a prohibited place, protected place or protected area as the case may be shall apply to or in relation to the place or area in respect of which the order is made either without modification or subject to such modifications as may be specified in the order.]

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years ²[or with fine or with both].

10. (1) No person shall—

Trespassing
on certain
premises.

(a) unlawfully enter or board any vehicle, vessel or aircraft used or appropriated for any of the purposes of His Majesty's service, or trespass on premises in the vicinity of any such vehicle, vessel or aircraft, or

(b) trespass on, or on premises in the vicinity of, any premises used or appropriated for any of the purposes of His Majesty's service or for defence against, or protection from, an enemy.

(2) If any person is found trespassing on any premises in contravention of the provisions of sub-rule (1), or is found on any vehicle, vessel or aircraft which he has entered or boarded without lawful authority, he may, without prejudice to any other proceedings which may be taken against him, be removed from such premises, vehicle, vessel or aircraft, as the case may be, by any police officer or any other person acting on behalf

¹ Inserted by D. C. Dept. notification No. 305-OR/39, dated the 15th February 1941.

² Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

of Government, or by the person occupying the premises or being in charge of the vehicle, vessel or aircraft, or any person authorised by him.

(3) No person shall, for any purpose prejudicial to the public safety or to the defence of British India, be in, or in the vicinity of, any such premises or any such vehicle, vessel or aircraft as are referred to in sub-rule (1); and where, in any proceedings taken against a person by virtue of this sub-rule, it is proved that at the material time he was present in, or in the vicinity of, the premises, vehicle, vessel or aircraft concerned, the prosecution may thereupon adduce such evidence of the character of that person (including evidence of his having been previously convicted of any offence) as tends to show that he was so present for a purpose prejudicial to the public safety or to the defence of British India.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend in the case of a contravention of sub-rule (3) to seven years and in any other case to three years, ¹[or with fine or with both].

Loitering
near portals
premises.

11. (1) No person loitering in the vicinity of any prohibited place or protected place or of any such premises, vehicle, vessel or aircraft as are referred to in sub-rule (1) of rule 10 shall continue to loiter in that vicinity after being ordered to leave it by any police officer or any other person acting on behalf of Government or by the person in occupation of the said premises or being in charge of the said vehicle, vessel or aircraft, or any person authorised by him.

(2) If any person contravenes the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years ¹[or with fine or with both].

Power to
close roads,
etc.

12. (1) The Central Government or the Provincial Government may, by order, prohibit or restrict for such period as may be specified in the order,—

(a) the use of any road, pathway or waterway;

(b) the passage of any person, animal or vehicle over any land.

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words " and shall also be liable to fine ".

(2) If any person contravenes any order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to six months ¹[or with fine or with both].

PART III.

CONTROL OF SIGNALLING, TELEGRAPHY, POSTAL COMMUNICATIONS, ETC.

²[13. (1) Save as hereinafter provided, no person shall make any signal, either visually or otherwise, in such circumstances as show that the signal—

Prohibition of signalling.

- (a) is intended to be received by a person on board a vessel at sea or an aircraft in flight, or,
- (b) being made from a vessel at sea or an aircraft in flight, is intended to be received by a person not on board such vessel or aircraft, or
- (c) being made in an area notified by the Central Government in this behalf, is intended to be received by a person outside the external land frontiers of British India :

Provided that the preceding prohibitions shall not apply to the making of any signal with permission granted by or on behalf of the Central Government, or of any signal for the purpose only of saving life, or of regulating or aiding the navigation, on the water or in the air, of any vessel or aircraft other than a vessel or aircraft being used in the service of a State at war with His Majesty.

(2) No person shall make any signal, either visually or otherwise, intending or knowing it to be likely that the signal may mislead any member of His Majesty's forces or any other public servant, acting in the course of his duty as such member or public servant.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

² Substituted by D. C. Dept. notification No. 16-OR/39, dated the 10th August 1940 for the original rule 13.

Control of
signalling
apparatus.

14. (1) Subject to the provisions of sub-rule (2) and to any exemptions for which provision may be made by general or special order of the Central Government, no person shall, except with permission granted by the Central Government, use or have in his possession or under his control any apparatus or contrivance for signalling (whether visually or otherwise) which is of such a nature that it could be used for a purpose prejudicial to the efficient prosecution of war and to the defence of British India.

(2) Nothing in sub-rule (1) shall apply in relation to—

- (a) any wireless telegraphy apparatus as defined in the Indian Wireless Telegraphy Act, 1933, or xvii
- (b) any apparatus forming part of the equipment of any vessel or aircraft, being an apparatus which is required by law to be carried therein¹[or which is required for the making of any such signal as is mentioned in the proviso to sub-rule (1) of rule 13.]

(3) In any proceedings arising out of an alleged contravention of any of the provisions of this rule, it shall be a defence for the accused to prove that at the date of the alleged contravention, application had been made by him for the first time for the necessary permission in relation to the apparatus or contrivance in respect of which the proceedings are taken, and that the application was still pending at that date.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years²[or with fine or with both].

Control of
landmarks,
etc.

15. (1) In any area notified in this behalf by the Central Government,³[or the Provincial Government, that Government may, if in its opinion], it is necessary or expedient for the efficient prosecution of the war or the defence of British India,—

- (a) by general or special order prohibit the use, display or possession of any article which is intended to serve or to be used, or, in the opinion

¹ Inserted by D. C. Dept. notification No. 368-OR/40, dated the 10th August 1940.

² Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

³ Substituted by D. C. Dept. notification No. 891-SM/41, dated the 16th August 1941, for the words "the Central Government may, if in the opinion of the Central Government".

of ¹[that Government], is capable of serving or of being used, as a landmark or as a means of transmitting or conveying in any way any message or information to the enemy;

(b) by order direct the person having control of any such article as aforesaid to remove it, or to take such other action in relation to it as may be specified in the order;

(c) seize and remove any such article as aforesaid or take such other action in relation to it as may seem expedient to ¹[that Government].

(2) If any person contravenes any order made under any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years ²[or with fine or with both].

XIII of 1885. ³[16. (1) In this rule, "telegraph" has the same meaning as in the Indian Telegraph Act, 1885, and "wireless telegraphy apparatus" has the same meaning as in the Indian Wireless Telegraphy Act, 1933. Control of Wireless Telegraphy.

XVII of 1933. (2) Notwithstanding anything contained in the Indian Telegraph Act, 1885, or the Indian Wireless Telegraphy Act, 1933, or in the rules made under either of those Acts, the Central Government may, by general or special order, prohibit or regulate the establishing, maintaining or working of any wireless telegraph or the possession of any wireless telegraphy apparatus.

(3) If any wireless telegraph is established, maintained or worked, or any wireless telegraphy apparatus is possessed, in contravention of an order made under sub-rule (2), the person so establishing, maintaining or working the telegraph or possessing the apparatus, and the occupier of the premises on which the telegraph or apparatus is situated, or where the telegraph or apparatus is on board any vessel or aircraft, the master of the vessel or the pilot of the aircraft, as the case may be, shall each be deemed to have contravened the order;

Provided that, in any proceedings which, by virtue of the provisions of this sub-rule, are taken against any person in respect of the establishing, maintaining or working of a wireless telegraph or the possession of wireless telegraphy apparatus by some other person in contravention of an order made under sub-rule (2), it

¹ Substituted by D. C. Dept. notification No. 891-SM/41, dated the 16th August 1941, for the words "the Central Government".

² Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

³ Substituted by D. C. Dept. notification No. 509-OR/41, dated the 26th July 1941, for the original rule 16.

shall be a defence for the accused to prove that the telegraph was so established, maintained or worked or the apparatus was so possessed, without his permission, and that he exercised all due diligence to prevent any contravention of the order.

(4) Any member of his Majesty's forces or any other person authorised in this behalf by the Central Government may, in relation to any vessel or aircraft, take such steps and use such force as may appear to that member or person to be necessary for securing compliance with any order made under sub-rule (2), or where a contravention of such an order has occurred, for enabling proceedings in respect of the contravention to be taken.

(5) If any person has in his possession any wireless telegraphy apparatus in contravention of any of the provisions of the Indian Wireless Telegraphy Act, 1933, XVII of 1933. or of the rules made thereunder, he shall be deemed to have contravened the provisions of this rule.

(6) An officer authorised by the Central or a Provincial Government in this behalf may seize any wireless telegraphy apparatus which is possessed or used by any person in contravention of this rule or of any of the provisions of the Indian Wireless Telegraphy Act, 1933, XVII of 1933. and keep it in safe custody subject to the orders of any court under this rule or of the Government.

Under of (7) If any person contravenes any ^{*order made*} of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

(8) For the purposes of this rule a court may presume that a person possesses wireless telegraphy apparatus if such apparatus is under his ostensible charge or is located in any premises or place over which he has effective control.

(9) If in the trial of an offence under this rule the accused is convicted, the court shall decide whether any wireless telegraph or wireless telegraphy apparatus in respect of which an offence has been committed should be confiscated, and, if it so decides, may order confiscation accordingly.] *See 80/3*

16A
Control of
telephones and
telegraphs.

17. (1) The Director-General, Posts and Telegraphs, or any person authorised by him in this behalf, may by order—

(a) direct—

(i) that any public telephone call office shall be closed to the public for such period as may be specified;

sub-clause (ii) of clause (a) of sub-rule (1) of rule 17, the following shall be inserted, namely:—

where a direction has been given under sub-clause (ii), that the subscriber shall surrender all telephone apparatus and fittings on the premises to such person as may be specified;”

[1] Co-ordination Department, Notification No. 728-OR./41, dated the 22nd

(b) make provision for suspending or regulating the use otherwise than for Government purposes, of any telegraph or telephone service in any area specified in the order;

(c) assume the control or direction, or direct any person to assume the control or direction, of any private telephone exchange or any connexion with any such exchange.

(2) If any person contravenes any order made under the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to six months ¹[or with fine or with both].

XIII of 1885. 18. Notwithstanding anything contained in sub-section (1) of section 5 of the Indian Telegraph Act, 1885, any person appointed by the Central Government to be a censor may—

Power to detain or paraphrase telegrams.

(a) order that any telegraphic message or class of messages to or from any person or class of persons, or relating to any particular subject, brought for transmission by, or transmitted or received by, any telegraph, shall not be transmitted or shall be intercepted or detained or shall be disclosed to the censor or to any other officer of Government mentioned in the order;

(b) paraphrase the wording of any telegraphic message suspected of conveying a secret meaning and order the transmission of the message

“(c) delete any part of a telegraphic message which he considers to be prejudicial to the public safety or interest or to the defence of British India or to the efficient prosecution of war”.

Defence Co-ordination Department, Notification No. 1129-OR./41, dated the 29th
ember 1941.]

Possession and use of means of secret communication.

granted by the Central Government, send or convey by post or otherwise from any place in British India to any

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words “and shall also be liable to fine”.

destination outside India, or to any destination in British India from any place outside India,—

- (a) any instructions for utilising any means of secretly conveying, receiving or recording information, including any cipher or code; or
- (b) any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information; or
- (c) any document or other article secretly conveying or recording any information.

(2) The Central Government may, in respect of any area, by notified order declare that it is expedient to control the use of means of secret communication therein, and thereupon the provisions of sub-rule (1) shall apply in relation to that area as they apply in relation to a destination or place outside India.

(3) Any person who has in his possession or under his control any such instructions, substance, document or other article as is mentioned in sub-rule (1) shall, if required by the Central Government by a written order so to do, deliver up those instructions or that substance, document or other article to such authority or person as may be specified in the order.

(4) Nothing in sub-rule (3) shall be taken to prevent the prosecution of any person in respect of a contravention of the provisions of sub-rule (1).

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years¹ [or with fine or with both].

19A
Control of
postal com-
munications.

See slip.

20. (1) For the purpose of this rule and of rule 21, the expression "postal article" includes a letter, post card, newspaper, book, pattern or sample packet, parcel and every article or thing transmissible by post, and a money order.

(2) The Central Government may, by general or special order, either generally or with reference to any particular place within or without British India, prohibit, regulate, restrict or impose conditions upon the receipt or transmission in, or despatch from, British India of any postal article or of any class or description of postal articles.

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years ¹[or with fine or with both].

21. (1) Notwithstanding anything contained in section 26 of the Indian Post Office Act, 1898, any person appointed by the Central Government to be a censor may—

Power to intercept and censor postal articles.

(a) order that any postal article or class or description of postal articles in course of transmission by post shall be intercepted or detained or shall be disposed of in such manner as the censor may direct;

(b) open and examine the contents of any postal article, and delete, destroy or remove any part thereof which the censor considers to be prejudicial to the public safety or interest or to the defence of British India or the efficient prosecution of war.

(2) Any person who delivers any postal article for transmission, either by an indirect route or otherwise, in such a manner as is calculated to evade examination by a censor, shall be punishable with imprisonment which may extend to five years ¹[or with fine or with both].

22. (1) In this rule,—

Power to prohibit, and to search etc. travellers conveying non-postal correspondence.

~~the~~ 'appropriate officer' means any officer of Customs, any police officer not below the rank of Sub-Inspector, or any other officer designated in this behalf by the Central Government;

~~the~~ 'photograph' includes any photographic plate, photographic film or other sensitised article which has been exposed in a camera whether such plate, film or other article has been developed or not.

(2) The Central Government may, by order, make provision for securing that, subject to any exemptions for which provision may be made by the order, and except in accordance with such conditions as may be

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

contained therein, ¹[no article whatsoever recording information and no document, pictorial representation, photograph or gramophone record], shall be sent or conveyed, otherwise than by post, into or from British India.

(3) No person shall have any article in his possession for the purpose of sending or conveying it in contravention of an order made under sub-rule (2).

(4) Any person who, on any occasion, is about to leave British India or arrives in British India (which person is hereafter in this rule referred to as "the traveller") shall, if on that occasion he is ordered so to do by the appropriate officer,—

See (a) declare whether or not he has with him any such article as is mentioned in sub-rule (2), and

Slip (b) deliver to the appropriate officer any such article as aforesaid which he has with him;

and the appropriate officer, and any person acting under his directions, may—

(i) examine or search ²[any vessel, vehicle other means of conveyance which the traveller has been employing, and] any article which the traveller has with him for the purpose of ascertaining whether he is conveying or has in his possession any article in contravention of the provisions of this rule;

(ii) if he has reasonable ground for suspecting that the traveller has any article about his person in contravention of the provisions of this rule, search the person of the traveller;

(iii) seize any article delivered under this sub-rule or found upon examination or search under this sub-rule, being an article as to which he has reasonable ground for suspecting that it is being sent or conveyed in contravention of the provisions of this rule.

²[(iv) if he has reasonable ground for suspecting that the traveller or any other person has contravened or is contravening the provisions of this rule, arrest that person:]

¹ Substituted by D. C. Dept. notification No. 375-OR/40, dated the 5th April 1941, for the words "no document, pictorial representation, photograph or other article whatsoever recording information".

² Inserted by D. C. Dept. notification No. 375-OR/40, dated the 16th November 1940.

Provided that no female shall be searched in pursuance of the provisions of this sub-rule except by a female.

(5) Where, at any place in British India, any person is on any occasion found in circumstances in which it is reasonable to suppose that on that occasion he has communicated, or intends to communicate, at that place with a person about to leave, or arriving in, British India, the provisions of sub-rule (4) shall apply in relation to the person so found, as they apply in relation to a person about to leave British India.

(6) Where there is declared or delivered on an order made under this rule, or discovered upon an examination or search so made, any article which the appropriate officer suspects to record any information, he may take such steps (including the subsection of the article to any process) as may be reasonably necessary for ascertaining whether the article does or does not record that information.

(7) If, upon his being ordered to make a declaration or deliver any article under the provisions of sub-rule (4), any person knowingly makes a declaration which is false, or not true, or fails to deliver such article, he shall be deemed to have contravened the provisions of this rule.

(8) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years [or with fine or with both].

(9) Anything seized in pursuance of the provisions of this rule shall be disposed of in such manner as the Central Government may by general or special order direct.

PART IV.

RESTRICTION OF MOVEMENTS AND ACTIVITIES OF PERSONS.

23. (1) No person shall, without the permission of the Central Government, voluntarily enter any enemy territory or voluntarily go on board any vessel or aircraft being used in the service of a State at war with His Majesty. ^{Entering enemy territory.}

¹Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

(2) If any person contravenes this rule, he shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

Entering
British
India.

24. (1) The Central Government may, by order, make provision for securing that, subject to such exemptions as may be provided for in the order, any person or class of persons shall not, on coming from a place outside India, enter British India elsewhere than at such place as may be specified in the order.

(2) If any person enters British India in contravention of any order made under sub-rule (1). or of the provisions of, or of any rule or order made under, the Indian Passport Act, 1920, he shall, without prejudice to any other proceedings which may be taken against him, be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

XXXIV d
1920.

(3) The master of any vessel or the pilot of any aircraft by means of which any person enters British India in contravention of any order made under sub-rule (1) or of the provisions of, or of any rule or order made under, the Indian Passport Act, 1920, shall, unless he proves that he exercised all due diligence to prevent the said contravention, be deemed to have abetted the contravention.

XXXIV d
1920.

See 8Cip
A 25. (1) The Central Government may, by order, make provision for securing that, subject to such exemptions as may be provided for in the order, any person ~~for the~~
~~class of persons shall not~~

(a) proceed ²[from British India] to a destination outside India except under the authority of a written permit granted in such form and manner and by such authority or person as may be specified in the order;

(b) for the purpose of proceeding to a destination outside India, leave British India elsewhere than at such place as may be specified in the order.

(2) Where any police officer not below the rank of Inspector, or any other public servant authorised in this behalf by the Central Government, has reason to suspect that any person who is about to depart from British India is attempting so to depart for purposes prejudicial to the public safety or to the defence of British India,

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 16th February 1941, for the words "and shall also be liable to fine".

² The words "from British India" was first omitted by D. C. Dept. notification No. 13-M. P., dated the 14th October 1939 and then inserted again by D. C. Dept. notification No. 13-2-M. P., dated the 4th November 1939.

he may, notwithstanding the fact that such departure does not contravene any order made under sub-rule (1), prevent the departure of that person.

(3) Any police officer or other public servant who prevents the departure of any person under sub-rule (2) shall forthwith report the fact of such prevention to the Central Government, and the Central Government may, if it thinks fit, by order, prohibit such person at any time subsequently from leaving British India so long as the order is in force.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

(5) The master of any vessel or the pilot of any aircraft by means of which any person leaves British India in contravention of any order made under this rule shall, unless he proves that he exercised all due diligence to prevent the said contravention, be deemed to have abetted the contravention.

26. (1) ²[This Central Government or the Provincial Government, if it is satisfied with respect to any particular person that with a view to preventing him from acting in any manner prejudicial to the defence of British India, the public safety, the maintenance of public order, ³[His Majesty's relations with foreign powers or Indian States, the maintenance of peaceful conditions in tribal areas] or the efficient prosecution of the war it is necessary so to do, may make an order.]

Restriction of movements of suspected persons, restriction orders and detention orders.

- (a) directing such person to remove himself from British India in such manner, by such time and by such route as may be specified in the order, and prohibiting his return to British India;
- (b) directing that he be detained;
- (c) directing that, except in so far as he may be permitted by the provisions of the order, or by such authority or person as may be specified therein, he shall not be in any such area or place in British India as may be specified in the order;

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

² Substituted by D. C. Dept. notification No. 356 OR/40, dated the 28th March 1940 for the original sub-rule (1).

³ Inserted by D. C. Dept. notification No. 534-OR/40, dated the 3rd August 1940.

(d) requiring him to reside or remain in such place or within such area in British India as may be specified in the order ¹[and if he is not already there to proceed to that place or area within such time as may be specified in the order];

e) requiring him to notify his movements in such manner at such times and to such authority or person as may be specified in the order;

f) imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or propagation of opinions;

(g) prohibiting or restricting the possession or use by him of any such article or articles as may be specified in the order;

²[(h) otherwise regulating his conduct in any such particular as may be specified in the order:]

Provided that no order shall be made under clause (a) of this sub-rule in respect of any British Indian subject of His Majesty.

³[Provided further that no order shall be made by the Provincial Government under clause (c) of this sub-rule directing that any person ordinarily resident in the Province shall not be in the Province.]

4*

*

*

*

*

(3) An order made under sub-rule (1) ⁵* * * * may require the person in respect of whom it is made to enter into a bond, with or without sureties, for the due performance of, or as an alternative to the enforcement of, such restrictions or conditions made in the order as may be specified in the order.

(4) If any person is in any area or place in contravention of an order made under the provisions of this

¹ Inserted by D. C. Dept. notification No. 744-OR/41, dated the 22nd March 1941.

² Inserted by D. C. Dept. notification No. 356-OR/40, dated the 22nd June 1940.

³ Inserted by D. C. Dept. notification No. 356-OR/40, dated the 28th March 1940.

⁴ Sub-rule (2) omitted by *ibid.*

⁵ The words, brackets and figure "or sub-rule (2)" omitted by D. C. Dept. notification No. 356-OR/40, dated the 28th March 1940.

rule, or fails to leave any area or place in accordance with the requirements of such an order, then, without prejudice to the provisions of sub-rule (6), he may be removed from such area or place by any police officer or by any person acting on behalf of Government.

(5) So long as there is in force in respect of any person such an order as aforesaid directing that he be detained, he shall be liable to be detained in such place, and under such conditions ¹[as to maintenance, discipline and the punishment of offences and breaches of discipline], as the Central Government or the Provincial Government, as the case may be, may from time to time determine.

¹[(5A) Where the power to determine the place of detention is exercisable by the Provincial Government. the power of the Provincial Government shall include power to determine a place of detention outside the Province :

Provided that—

- (a) no such place shall be determined save with the previous consent of the Provincial Government of the Province in which the place is situate, or, where the place is situate in a Chief Commissioner's Province, of the Central Government ;
- (b) the power to determine the conditions of detention shall be exercised by the Provincial Government of the Province in which the place is situate, or, where the place is situate in a Chief Commissioner's Province, by the Central Government ;

~~²[(5B) If the Central Government or the Provincial Government, as the case may be, has reason to believe that a person in respect of whom that Government has made an order under sub-rule (1) directing that he be detained has absconded or is concealing himself so that such order cannot be executed, that Government may make a report in writing of the fact to a Presidency Magistrate or a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides ; and thereupon the provisions of sections 87, 88 and 89 of the Code of Criminal Procedure, 1898, shall apply in respect of the said person and his property as~~

¹Inserted by D. C. Dept. notification No. 527-OR-40, dated the 31st August 1940.

²Inserted by D. C. Dept. notification No. 580-OR/40, dated the 26th October 1940.

if the order directing that he be detained were a warrant issued by the Magistrate.]

(6) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both], and if such person has entered into a bond in pursuance of the provisions of sub-rule (3), his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting Court why such penalty should not be paid.

Powers of
photograph-
ing, etc.,
suspected
persons.

27. (1) The Central Government or, as the case may be, the Provincial Government may, by order, direct that any person in respect of whom an order has been made by that Government under the provisions of rule 26, shall—

- (a) allow himself to be photographed;
- (b) allow his finger and thumb impressions to be taken;
- (c) furnish specimens of his handwriting and signature; and
- (d) attend at such time and place before such authority or person as may be specified in the order for all or any of the purposes mentioned in this sub-rule.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months ¹[or with fine or with both].

Prisoners of
war, etc.

27A. (1) The Central Government may, by order, make provision—

- (a) for regulating access to, and the conduct of persons in, places in British India where prisoners of war are detained, and for prohibiting or regulating the despatch or conveyance, from outside such places to or for prisoners of war therein, of any such articles as may be specified in the order;
- (b) for regulating the conditions to be observed in connexion with the employment and maintenance of prisoners of war in British India while elsewhere than in places for the detention of prisoners of war.

“(c) of prisoners of war. See slip.
Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words “and shall also be liable to fine”.

(2) The provisions of sub-rule (1) and of sections 128, 129 and 130 of the Indian Penal Code shall apply in relation to a person detained or confined by order made under clause (b) of sub-rule (1) of rule 26 or clause (g) of sub-rule (2) of rule 31 as they apply in relation to a prisoner of war.

(3) No proceedings shall be taken, by virtue of this rule, against a person in respect of any act done by him when he is himself a prisoner of war.

(4) If any person contravenes any order made under the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years¹[or with fine or with both].

29. (1) For the purposes of this rule,—

(a) the expression "name" shall be construed as including a surname, and

Change of
name by
British
subjects.

(b) a name shall be deemed to be changed if the spelling thereof is altered.

(2) No British subject who is in British India on the day on which the¹Ordinance came into force shall, while in British India at any time after that day, assume or use or purport to assume or use for any purpose any name other than that by which he was ordinarily known immediately before the said day, unless, at least one month before the day on which he first assumes or uses or purports to assume or use that other name, he has given to the Provincial Government a notice specifying—

(a) his existing name in full and the change which he proposes to make in it, and

(b) the address of his place of residence or place of abode, if any, in British India,

and has complied with such orders in respect of such notice, including orders for giving public intimation of his intention to change his name, as the Provincial Government may give.

(3) In relation to any British subject who, not having been in British India on the day on which the Ordinance came into force, thereafter enters British India, sub-rule (2) shall have effect as if for any reference in that

¹Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

sub-rule to the said day there were substituted a reference to the day on which he first enters British India after the day on which the Ordinance came into force.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to two years ¹[or with fine or with both].

(5) Nothing in this rule shall apply to the assumption of use—

- (a) by any married woman of her husband's name;
- (b) of any name in pursuance of a Royal licence, or in consequence of the grant of, or succession to, any rank or title;
- (c) of any name in such circumstances as may be specified by order of ²[the Central Government or the Provincial Government].

PART V.

RESTRICTIONS ON FOREIGNERS.

Definition.

30. For the purposes of this Part the expression "foreigner" means a foreigner as defined in the Foreigners Act, 1864, but does not include—

III of
1864.

- (i) any ruler or subject of an Indian State;
- (ii) any native of the tribal areas.

Power to
impose
restrictions
on foreigner.

31. (1) If in the opinion of the Central Government it is necessary for the defence of British India, the efficient prosecution of the war or the public safety or interest so to do, the Central Government may, by order, make provision, either generally with respect to all foreigners or with respect to such foreigner or class of foreigners as may be specified in the order, for all or any of the following purposes, that is to say,—

- (a) for prohibiting, regulating or restricting the entry of foreigners into British India or their departure therefrom or their continuance therein;
- (b) for regulating or restricting the liberty of foreigners residing or being in British India.

(2) In particular and without prejudice to the generality of the foregoing power, an order made under the

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

² Substituted by D. C. Dept. notification No. 890-OR/41, dated the 28th June 1941, for the words "the Provincial Government".

provisions of sub-rule (1) may provide that a foreigner, or class of foreigners, or all foreigners generally,—

- (a) shall not enter British India, or shall enter British India only within such period and by such route or by such port or place and subject to the observance of such conditions on landing or arriving at any place in British India as may be specified in the order ;
- (b) shall not depart from British India, or shall depart only within such period and by such route or from such port or place and subject to the observance of such conditions on departing as may be specified in the order ;
- (c) shall not remain in British India or in such area therein as may be specified in the order ;
- (d) shall remove themselves to and remain in any such area in British India as may be specified in the order ;
- (e) entering into or residing or being in British India, or any specified area in British India, shall comply with any conditions specified in the order—
 - (i) requiring them to reside in a particular place ;
 - (ii) imposing any restrictions on their movements ;
 - (iii) requiring them to furnish proof of their identity and such other particulars, including photographs, specimens of handwriting and signature, and finger and thumb impressions, as may be specified in the order ;
 - (iv) prohibiting them from association with persons of such description as may be specified in the order ;
 - (v) prohibiting them from engaging in activities of such description as may be specified in the order ;
 - (vi) prohibiting them from using or possessing such articles as may be specified in the order ;
 - (vii) otherwise regulating their conduct in any particular ;
- (f) shall enter into a bond with or without sureties for the due observance of, or as an alternative to the enforcement of, any or all of the restrictions or conditions specified in the order ;
- (g) shall be arrested and detained or confined.

Defence of India Rules.

(3) So long as there is in force in respect of any foreigner such an order as aforesaid directing that he be detained or confined, he shall be liable to be detained or confined in such place, and under such conditions, as the Central Government may from time to time determine.

(4) The Central Government may, by order, exempt any class or description of foreigners or any individual foreigner either absolutely or conditionally from all or any of the provisions of any order made under this rule.

(5) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both]; and if such person has entered into a bond in pursuance of an order made under clause (f) of sub-rule (2), his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting Court why such penalty should not be paid.

(6) If any question arises in any proceedings under this rule or with reference to anything done or proposed to be done in pursuance of any order made under this rule whether any person is or is not a foreigner, or is or is not a foreigner of a particular class or description, the onus of proving that that person is not a foreigner or, as the case may be, is not a foreigner of that class or description shall lie upon that person.

²[(7) The provisions of this rule shall be in addition to, and not in derogation of, the provisions of the Foreigners Ordinance, 1939.]

31A. *[Trial of internees.]* Inserted by D. C. Department Notification No. 292-OR/39, dated the 5th December 1939, which was omitted by that Department Notification No. 365-OR/40, dated the 6th July 1940.

32. (1) A District Magistrate, or any other Magistrate authorised by the District Magistrate in this behalf, a Commissioner, Superintendent or District Superintendent of Police or any other police officer not below the rank of a Sub-Inspector authorised by the Commissioner, Superintendent or District Superintendent of Police in this behalf, may, for any purpose connected with the enforcement of the provisions of rule 31, enter with such assistance as he may think fit any

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

² Inserted by D. C. Dept. notification No. 292-OR/39, dated the 5th December 1939.

vessel or aircraft at any port or place in British India and may—

(a) order the master of the vessel or the pilot of the aircraft, as the case may be,—

(i) before allowing any passenger to disembark, to furnish a list in writing of the passengers who are on board or who have been carried on board at any time since the vessel or aircraft commenced its journey, specifying the ports or places at which they embarked, the ports or places of their disembarkation or intended disembarkation, and such other particulars as may be required by order of the Central Government made in pursuance of this rule;

(ii) to answer to the best of his ability any question relating to the passengers who are on board or who have disembarked in any part of British India;

(b) if any foreigner on board such vessel or aircraft does not state his reasons for coming to British India or if his account thereof is not satisfactory, either—

(i) refuse to allow such foreigner to disembark from such vessel or aircraft, or

(ii) place him under such restraint as may be specified by the Central Government in this behalf.

(2) If the master of any vessel or the pilot of any aircraft wilfully makes any false report or gives any false answer in respect of any matter as to which he is ordered under this rule to make a report or furnish an answer, or wilfully neglects or refuses to comply with the provisions of this rule or of any order given in pursuance thereof, he shall be punishable with imprisonment for a term which may extend to one year ¹[or with fine or with both].

33. (1) For the purposes of this rule,—

(a) the expression “name” shall be construed as including a surname, and

(b) a name shall be deemed to be changed if the spelling thereof is altered.

Change of
name by
foreigners.

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words “and shall also be liable to fine”.

(2) No foreigner who is in British India on the day on which the Ordinance came into force shall, while in British India at any time after that day, assume or use or purport to assume or use for any purpose any name other than that by which he was ordinarily known immediately before the said day.

(3) Where, after the day on which the Ordinance came into force, any foreigner carries on or purports to carry on (whether alone or in association with any other person) any trade or business under any name or style other than that under which that trade or business was being carried on immediately before the said day, he shall, for the purposes of sub-rule (2), be deemed to be using a name other than that by which he was ordinarily known immediately before the said day.

(4) In relation to any foreigner who, not having been in British India on the day on which the Ordinance came into force, thereafter enters British India, sub-rules (2) and (3) shall have effect as if for any reference in those sub-rules to the said day there were substituted a reference to the day on which he first enters British India after the day on which the Ordinance came into force.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment which may extend to five years ¹[or with fine or with both].

(6) Nothing in this rule shall apply to the assumption or use—

(a) by any married woman of her husband's name; or

(b) of any name in pursuance of a Royal licence.

PART VI.

PREVENTION OF PREJUDICIAL ACTS AND CONTROL OF INFORMATION.

Definitions.

34. In this Part, unless there is anything repugnant in the subject or context,—

"Cinematograph film".

(1) "cinematograph film" includes a sound track, and any other article on which sounds have been recorded for the purpose of their being reproduced in connexion with the exhibition of a film;

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

- (2) "confidential information" includes any information, whether true or false, or any document or other record whatsoever containing or purporting to contain, or calculated directly or indirectly to convey, any information, whether true or false, with respect to any of the following matters, that is to say,—
- (a) the proceedings of any meeting of the Executive Council of the Governor-General; "Confidential Information."
- (b) the proceedings of any committee, commission, conference, convention or delegation appointed by His Majesty or appointed or convened by, or at the invitation of, the Central Government or either Chamber of the Indian Legislature to deal with matters concerning the prosecution of war, the making of peace or the proposed constitution for the government of any territory affected by the war or by the conditions of peace; 7
- (c) the contents of any secret or confidential document belonging to, or the contents of any document which has in confidence been communicated by, or any confidential information obtained from, Government or any person in the service of His Majesty and relating to any of the aforesaid matters;
- (3) "essential commodity" means food, water, fuel, light, power or any other thing essential for the existence of the community which is notified in this behalf by Government; "Essential commodity".
- (4) "exhibit" and "exhibition" and their grammatical variations include, in relation to a cinematograph film, the mechanical or electrical reproduction of any sounds in connexion with the showing of the film; "Exhibit" and "Exhibition".
- (5) "information likely to assist the enemy" means any information, whether true or false, or any document or other record whatsoever containing or purporting to contain, or calculated, directly or indirectly, to convey, any information, whether true or false, with respect to any of the following matters, that is to say,— "Information likely to assist the enemy".
- (a) the number, description, armament, equipment, disposition, movement, sympathies

- or condition of any of His Majesty's forces, vessels or aircraft;
- (b) any operations or projected operations of any of His Majesty's forces, vessels or aircraft;
 - (c) any measures, works, appliances or arrangements for, or connected with, or intended for, the defence or fortification of any place by or on behalf of His Majesty's forces;
 - (d) the number, description or location of any prisoners of war;
 - (e) any enemy agents, that is to say, persons engaged in or believed to be engaged in assisting the enemy;
 - (f) the condition of His Majesty's subjects or of any class thereof or the sympathies of such subjects or class as regards matters relating to the war;
 - (g) the invention, manufacture, quantity, supply, description, condition, disposition, movement, storage, repair, testing, trial or use of any munitions of war or other thing which can be used in connection with the prosecution of the war;
 - (h) any measures, works, appliances or arrangements for or connected with, or intended for, the protection of any munitions of war or other thing which can be used in connection with the prosecution of the war;
 - (i) any arrangements relating to the collection of means of transport or for the protection of—
 - (i) transport or communications, or
 - (ii) the supply or distribution of any essential commodity;
 - (j) any prohibited place, protected place or protected area, or any person or thing in, or relating to, any such place or area or anything used in, or done or proposed to be done in, or in relation to, any such place or area;
 - (k) the passage of any vessel or aircraft near or over any part of India;
 - (l) any losses or casualties incurred by persons in the service of His Majesty, or the number

or description of any such persons returning to the active service of His Majesty after casualty, or any injury or damage caused, whether by hostile operations or otherwise, to any of His Majesty's vessels or aircraft, or to any prohibited place, protected place or protected area, or to any person or thing in any such place or area, or to any munitions of war, or any injury or damage caused by hostile operations to any other person or thing whatsoever;

(m) any cipher, code or secret or official codeword or password;

(n) any orders, instructions or regulations regarding, or connected with, any of the afore-said matters;

(o) any other matter whatsoever information as to which would or might be, directly or indirectly, useful to the enemy;

(6) "prejudicial act" means any act which is intended or is likely— Prejudicial
act.

¹[(a) to prejudice His Majesty's relations with any Indian State or with any foreign power, or the maintenance of peaceful conditions in any tribal area;]

(b) to cause disaffection among, or to prejudice, prevent or interfere with the discipline, health or training of, or the performance of their duties by, members of His Majesty's forces or public servants;

(c) to render any member of His Majesty's forces or any public servant incapable of efficiently performing his duties as such, or to induce any member of His Majesty's forces or any public servant to fail in the performance of his duties as such;

(d) to prejudice the recruiting of, or the attendance of persons for service in, any of His Majesty's forces or any police force or fire brigade or any other body of persons entered, enrolled or engaged as public servants;

(e) to bring into hatred or contempt, or to excite disaffection towards, His Majesty or the Crown Representative or the Government

¹ Substituted by D. C. Dept. notification no. 424-OR/40, dated the 18th May 1940, for the original clause (a).

May

established by law in British India or in any other part of His Majesty's dominions;
 (ee) See slip

(f) to promote feelings of enmity and hatred between different classes of His Majesty's subjects;

(g) to cause fear or alarm to the public or to any section of the public;

(h) to impede, delay or restrict the means of transport or locomotion, any work necessary for the efficient prosecution of the war, the production, handling or transport of any munitions of war or the supply or distribution of any essential commodity;

(i) to render any munitions of war wholly or partially ineffective or dangerous, or to cause or increase danger to any person using, or engaged upon the production, handling or transport of, any munitions of war;

(j) to undermine public confidence in the national credit or in any Government loan or security or in any notes, coins or tokens which are legal tender in India or in any part thereof, or to prejudice the success of any financial measures taken or arrangements made by Government with a view to the efficient prosecution of war;

¹[(jj) to encourage or incite any person or class of persons, or the public generally, to refuse or defer payment of any land revenue, tax, rate, cess or other dues or amount payable to Government or any local authority or payable under any law or custom having the force of law for any services rendered to the community;]

(k) to influence the conduct or attitude of the public or of any section of the public in a manner likely to be prejudicial to the defence of British India or to the efficient prosecution of war;

(l) to instigate directly or indirectly the use of criminal force against public servants generally or any class of public servants or any individual public servant;

¹ Inserted by D. C. Dept. notification No. 300-OR/39, dated the 16th May 1940.

- (m) to instigate or incite directly or indirectly the commission or abetment of an offence punishable under section 121, section 121A, section 122, section 131, or section 436 of the Indian Penal Code, or of the offence of robbery or dacoity;
 - (n) to instigate or incite directly or indirectly the commission or abetment of an offence against, or against any rule made under, the Indian Arms Act, 1878, the Indian Explosives Act, 1884, or the Explosive Substances Act, 1908;
 - (o) to instigate or incite directly or indirectly the commission or abetment of an offence against section 27 of the Indian Army Act, 1911, section 35 of the Indian Air Force Act, 1932, or sections 10 to 16 (both inclusive) of ¹[the Naval Discipline Act as set forth in the first Schedule to] the Indian Navy (Discipline) Act, 1934;
 - (p) otherwise to prejudice the efficient prosecution of the war and the defence of British India, or the public safety or interest;
 - (7) "prejudicial report" means any report, statement or visible representation, whether true or false, which, or the publishing of which, is, or is an incitement to the commission of, a prejudicial act as defined in this rule; "Prejudicial report".
 - (8) "unauthorised cinematograph film" means a cinematograph film which has not been certified under, or in respect of which a certificate has been suspended under, or in respect of which the Provincial Government has decided that it shall be deemed to be uncertified under, section 7 of the Cinematograph Act, 1918. "Unauthorised cinematograph film".
35. (1) No person shall do any act with intent to Sabotage. impair the efficiency or impede the working of, or to cause damage to,—
- (a) any building, vehicle, machinery, apparatus or other property used, or intended to be used, for the purposes of Government; *or of any local authority*
 - (b) any railway (as defined in the Indian Railways Act, 1890), tramway, road, canal, bridge,

¹ Inserted by D. C. Dept. notification No. 361-OR/40, dated the 4th March 1940.

culvert, causeway, port, dockyard, light-house, aerodrome, or ~~telegraph~~ (as defined in the Indian Telegraph Act, 1885);

XIII

any rolling-stock of a railway or tramway, any vessel or aircraft;

any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine or factory;

(e) any prohibited place or protected place.

(2) The provisions of sub-rule (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to Government or to any public authority or to any person, to do, as they apply to the doing of any act by a person.

(3) If any person approaches, or is in the neighbourhood of, any such building, place or property as is mentioned in sub-rule (1), in circumstances which afford reason to believe that he intends to contravene that sub-rule, he shall be deemed to have attempted a contravention thereof.

(4) If any person contravenes ^{1*} any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to seven years ²[or with fine or with both]. (see slip)

35A Interference with Postal and telegraphic communications.

36. (1) No person shall knowingly—

(a) cause interference with the sending or receiving of communications by post, telegraphy (including wireless telegraphy), telephony (including wireless telephony) or television; or

(b) intercept any postal, telegraphic or telephonic communication.

(2) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years ²[or with fine or with both].

Communications with persons engaged in assisting the enemy.

37. (1) No person having reasonable cause to believe that such other person is engaged in assisting the enemy, shall communicate or associate with any other person.

(2) In any proceedings taken by virtue of sub-rule (1), it shall be a defence for the accused to prove that

¹ The word "this" was omitted by D. C. Dept. Notification No. 361-OR/40, dated the 4th March 1940.

² Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

the purpose of the communication or association in question was not prejudicial to the defence of British India, to the efficient prosecution of war or to the public safety.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

²[37A. (1) The Central Government or the Provincial Government, if it is satisfied that any articles or articles of any class or description are likely to assist the enemy to obtain information of military value or otherwise to facilitate the preparation or carrying out of hostile operations, may by order make provision—

Articles likely to afford information or other assistance to the enemy.

- (a) for requiring any person who has any such article in his possession or under his control to report the fact to such authority as may be specified in the order;
- (b) for prohibiting or restricting the acquisition, sale, distribution, possession or disposal of such articles;
- (c) for requiring such articles to be placed in the custody of such authority as may be specified in the order;
- (d) for authorising or requiring the destruction of such articles;
- (e) for such incidental and supplementary matters as appear to the Central Government or the Provincial Government, as the case may be, to be necessary or expedient for the purposes of the order.

(2) If any person fails to comply with any order made in pursuance of this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.]

38. (1) No person shall, without lawful authority or excuse,—

- (a) do any prejudicial act; or
- (b) obtain, collect, record, elicit, make, print or publish, or distribute or communicate by any means whatsoever to any other person, any information likely to assist the enemy; or
- (c) make, print, publish or distribute any document containing, or spread by any other means whatsoever, any prejudicial report; or

Prohibition of prejudicial acts, publications and communications.

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine."

² Inserted by D. C. Dept. notification No. 1036-OR/41, dated the 10th September 1941.

- (d) make, print, produce, publish or distribute any publication containing, or communicate to any person by any means whatsoever, any confidential information.

(2) The author, editor, printer and publisher of, and any person who otherwise makes or produces, any information likely to assist the enemy, any confidential information or any prejudicial report, and any person who distributes or sells any information or report of that nature, knowing it to be of such nature, shall be deemed to have contravened this rule.

(3) Any person who exhibits, or causes or allows to be exhibited, to the public or to any section of the public any unauthorised cinematograph film containing any information likely to assist the enemy, any confidential information or any prejudicial report or any reference to or representation of any such information or report and the licensee of any building or other premises licensed under the Cinematograph Act, 1918, for giving exhibitions by means of a cinematograph, and the occupier, or, if there is no occupier, the owner, of any other building, or other premises, in or on which any unauthorised cinematograph film as aforesaid is exhibited shall be deemed to have contravened this rule. II of 1918.

(4) The proprietor, manager or any other person in control of any place in which, and every person who takes part in any public performance of any play, pantomime, drama or recitation in the course of which any confidential information, any information likely to assist the enemy or any prejudicial report is published shall each be deemed to have contravened this rule.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

Provided that in any proceedings arising out of a contravention of this rule,—

(a) in relation to the making or printing of any document or information, it shall be a defence for the accused to prove that the said document or information was made or printed, as the case may be,—

- (i) before the Ordinance came into force, or
- (ii) with the permission or under the authority of Government, or
- (iii) as a proof intended for submission to Government or to a person or authority designated

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine."

- by Government in this behalf with a view to obtaining permission for its publication ;
 (b) in relation to the publication of any document or information it shall be a defence for the accused to prove that the said document or information was published—

- (i) before the Ordinance came into force, or
 (ii) with the permission or under the authority of Government.

A.J. Government. See 84/40.
 33. (1) No person shall, without lawful authority or excuse, have in his possession—

- (a) any information likely to assist the enemy or any confidential information ; or
 (b) any document containing any prejudicial report ; or

Illegal possession of certain information and publications.

- (c) any unauthorised cinematograph film of the nature described in sub-rule (3) of rule 38.

¹[(2) Any person who, without lawful authority or excuse, has on any premises in his occupation or under his control any document containing any information likely to assist the enemy, any confidential information or any prejudicial report shall, unless he proves that he did not know, and had no reason to suspect, that the said document contained any such information or report as aforesaid, or that the said document was on such premises without his knowledge or against his consent, be deemed to have contravened this rule.]

²(3) * * * *

(4) The licensee of any building or other premises licensed under the Cinematograph Act, 1918, and the occupier, or, if there is no occupier, the owner, of any other building or other premises, in or on which any unauthorised film as aforesaid is found, shall, unless he proves that the said unauthorised film was in or on such building or other premises without his knowledge or against his consent, be deemed to have contravened this rule.

(5) In any proceedings arising out of a contravention of this rule in respect of the possession of any document or information, it shall be a defence for the accused to prove that the said document or information—

- (a) was in his possession with the permission or under the authority of Government ; or
 (b) was a proof prepared by or for him for submission to Government or to a person or authority

¹ Substituted by D. C. Dept. notification No. 520-OR/40, dated the 16th November 1940, for the original sub-rule (2).

² Sub-rule (3) omitted by D. C. Dept. notification No. 520-OR/40, dated the 16th November 1940.

designated by Government in this behalf with a view to the obtaining of permission for its publication; or

(c) was published before the Ordinance came into force.

(6) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years ¹[or with fine or with both].

scription,
of certain
ments.

²[40. (1) Where in the opinion of the Central Government or the Provincial Government any document made, printed or published, whether before or after the Ordinance came into force, contains any confidential information, any information likely to assist the enemy or any prejudicial report, that Government may, by order,—

(a) addressed to the editor, printer, publisher or person in possession of such document,—

(i) require to be informed of the name and address of any person concerned in the supply or communication of such information or in the making of such report;

(ii) require the delivery of such document and every copy thereof to an authority specified in the order;

del (b) prohibit the further publication, sale or distribution of such document including, in the case of a newspaper or other periodical, the publication, sale or distribution of any subsequent issue thereof;

may not (c) declare such document and every copy thereof to be forfeited to His Majesty. *(See 81)*

(2) Where in pursuance of sub-rule (1) any document is required to be delivered to a specified authority, that authority may enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be.

(3) Where in pursuance of sub-rule (1) any document has been declared to be forfeited to His Majesty, any police officer may seize any copy thereof, wherever found in British India and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be.

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine."

² Substituted by D. C. Dept. notification No. 347-OR/40, dated the 14th June 1940 for the original rule 40.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years ¹[or with fine or with both].

41. ²[(1) The Central Government or the Provincial Government may, for the purpose of securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war, by order addressed to a printer, publisher or editor, or to printers, publishers and editors generally,—

Power to impose censorship.

(a) require that all matter, or any matter relating to a particular subject or class of subjects, shall, before being published in any document or class of documents, be submitted for scrutiny to an authority specified in the order;

(b) prohibit or regulate the ~~printing or publishing of~~ ^{making} any document or class of documents, or of any matter relating to a particular subject or class of subjects, or the use of any printing press. ^{as defined in the Indian R}

(2) If any person contravenes any order made under sub-rule (1), then, without prejudice to any other proceedings which may be taken against such person, the ³[Government making the order] may declare to be forfeited to His Majesty every copy of any document published or made in contravention of such order and any ~~printing press or other apparatus used in the making or publication of such document~~ ^{Press (Emergency Power used in the making of such documents)}

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

42. (1) For the purposes of this rule, the expression "Controller" means the Controller of Patents and Designs appointed under the Indian Patents and Designs Act, 1911.

Publication of inventions and designs.

(2) Where, either before or after the coming into force of the Ordinance, an application has been made to the Controller for the grant of a patent or the registration of a design, the Controller, if he is satisfied that it is expedient for the defence of British India or the efficient prosecution of the war so to do, may, notwithstanding

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

² Substituted by D. C. Dept. notification No. 583-OR/40, dated the 21st October 1940, for the original sub-rule (1).

³ Substituted by *ibid* for the words "Provincial Government".

anything contained in the Indian Patents and Designs Act, 1911, omit to do or delay the doing of anything which he would otherwise be required to do in relation to the application, and by order, prohibit or restrict the publication of information with respect to the subject matter of the application, or the communication of such information to particular persons or classes of persons. II of 1911

(3) No person shall, except under the authority of a written permit granted by the Controller, make an application for the grant of a patent, or the registration of a design, ¹[in any country or place not included in His Majesty's Dominions and not being an Indian State.]

(4) If, in the opinion of the Central Government, it is necessary or expedient for the defence of British India or the efficient prosecution of the war so to do, the Central Government may by order require any person to furnish to such authority or person as may be specified in the order, any such information in his possession relating to any invention, design or process as may be specified in the order or demanded of him by the said authority or person.

(5) The right of a person to apply for, or to obtain, a patent in respect of an invention, or registration in respect of a design, shall not be prejudiced by reason only of the fact that the invention or design has previously been communicated to an authority or person in compliance with any order given under sub-rule (4), or used by an authority or person in consequence of such communication, and a patent in respect of an invention, or the registration of a design, shall not be held to be invalid by reason only of the fact that the invention or design has been communicated or used as aforesaid.

(6) In connection with the making, use or exercise of any invention or design on behalf of, or for the services of the Crown (whether by virtue of the Indian Patents and Designs Act, 1911, or otherwise), the Central Government may by order authorise the use of any drawing, model, plan, specification, or other document or information in such manner as appears to the Central Government to be expedient for the defence of British India or the efficient prosecution of the war, notwithstanding anything to the contrary contained in any licence or agreement; and any licence or agreement, if and in so far as it confers on any person, otherwise than for the benefit of the Crown, the right to receive any payment in respect of the use of any document or information in pursuance of such an authorisation, shall be inoperative. II of 1911

¹ Substituted by D. C. Dept. notification No. 370-OR/40, dated the 14th March 1940, for the words "in any foreign country".

(7) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

43. Whenever the Provincial Government is of opinion that any play, pantomime or other drama performed, or about to be performed, in a public place contains any prejudicial report, or is calculated to instigate the commission of a prejudicial act, it may, by order, prohibit the performance; and thereupon the provisions of sections 4 to 9 of the Dramatic Performances Act, 1876, shall apply in relation to any such performance as they apply in relation to any performance prohibited by the Provincial Government under section 3 of that Act : Control of dramatic performances.

876. Provided that any person who commits in relation to any order made in pursuance of this rule any of the offences specified in sections 4 and 6 of the Dramatic Performances Act, 1876, shall be punishable with imprisonment for a term which may extend to three years ¹[or with fine or with both].

44. (1) The Central Government or the Provincial Government may by order declare any unauthorised cinematograph film or any cinematograph film which is imported into British India in contravention of any order made under these Rules to be forfeited to His Majesty Control of cinematographs

(2) Where in pursuance of sub-rule (1) any cinematograph film has been declared to be forfeited to His Majesty, any police officer may seize such film wherever found ²[in British India] and any Magistrate may by warrant authorise any police officer not below the rank of sub-inspector to enter upon and search any premises whereon or wherein any such film is or is reasonably suspected to be.

45. (1) Subject to any exemptions for which provision may be made by order of the appropriate Government, no person shall, except under the authority of a written permit granted by or on behalf of that Government,— General control of photography

(a) have with him a camera or any material for making a sketch, plan, model or other representation in, or in the vicinity of, any prohibited place, protected place or protected area or any other place or area notified in this

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

² Inserted by D. C. Dept. notification No. 347-OR/40, dated the 26th February 1940.

behalf by the Central Government, being a place or area in relation to which the restriction of photography ¹[or the making of representations] appears to that Government to be expedient in the interests of the defence of British India; or

(b) make any photograph, sketch, plan, model or other representation—

(i) of a prohibited place, protected place or protected area, or of any part of, or object in, any such place or area;

(ii) of an object of any such description, as may be specified by order of the Central Government;

(iii) of, or of any part of, or object in, any such place or area in British India as may be notified by the Central Government in pursuance of clause (a) of this sub-rule.

(2) In any proceedings arising out of a contravention of clause (a) of sub-rule (1), it shall be a defence for the accused to prove that at the date of the contravention application had been made by him for the first time for the necessary permit in relation to the camera or other article in respect of which the proceedings are taken, and that the application was still pending at that date.

(3) The appropriate Government may, by general or special order, make provision for securing that photographs, sketches, plans and other representations made under the authority of a permit granted in pursuance of sub-rule (1), shall not be published unless and until they have been submitted to, and approved by, such authority or person as may be specified in the order; and may retain, or destroy or otherwise dispose of, anything submitted as aforesaid.

(4) If in, or in the vicinity of, any place or area to which this rule or any notification issued in pursuance of this rule applies, any person is found in possession of a camera or material for making a sketch, plan, model or other representation, then, without prejudice to the provisions of sub-rule (5) or to any other proceedings which may be taken against him, such camera or other material shall be liable to forfeiture.

Under (5) If any person contravenes any ~~of these provisions~~ *order made* of this rule, he shall be punishable with imprisonment for a term which may extend to five years ²[or with fine or with both].

¹ Inserted by D. C. Dept. notification No. 361-OR/40, dated the 4th March 1940.

² Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

(6) In sub-rules (1) and (8) the expression "appropriate Government" means, in relation to any place or area declared by the Provincial Government to be a protected place or protected area, that Provincial Government, and in relation to any other place or area, the Central Government.

Government in relation declared by or protected

[45A. If the Central Government certifies that the disclosure—

Matters required to be disclosed under the Indian Companies Act, 1913.

(1) of any matter required by sub-section (1) of section 93 of the Indian Companies Act, 1913, to be stated in a prospectus issued by or on behalf of a company or by or on behalf of any person who is or has been engaged or interested in the formation of the company, or

(2) of the contents of a contract for the inspection of which or of a copy of which a time and place is required by clause (1) of the said sub-section to be stated in the prospectus,

would be prejudicial to the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war or to the maintenance of supplies and services essential for the life of the community, the requirements of the said sub-section (including the requirements of the said sub-section read with sub-section (2) of section 96 of the said Act) shall be deemed to have been complied with by the annexing to the prospectus of a copy of the certificate, and no matter to which the certificate relates shall be stated in the prospectus, nor shall any contract to which the certificate relates or any copy thereof be made available for inspection.]

45B } — See 86 1/2.

PART VII.

FALSE REPRESENTATIONS, ETC.

46. (1) In this rule the expression "Government" means any Government whether within or without British India.

Personation and misleading acts and misrepresentations.

(2) No person shall do any act, or make any statement,—

(a) calculated falsely to suggest that he or any other person is or is not acting (either generally or in a particular capacity) in the service, or on behalf, of any Government, or as a public servant, or

¹ Inserted by D. O. Dept. notification No. 530-OR/40, dated the 23rd July 1940.

- (b) calculated falsely to suggest that any article or property does or does not belong to, or is or is not in the possession or under the control of, Government or has or has not been classified, selected or appropriated on behalf of Government for any particular purpose, or
 - (c) whereby any directions, instructions or information falsely purporting to be duly issued or given for purposes connected with the defence of British India or the securing of the public safety, are communicated or are intended to be communicated to the public or to any section thereof, or
 - (d) having reasonable cause to believe that the said act or statement is likely to mislead any person in the discharge of any lawful functions in connexion with the defence of British India or the securing of the public safety.
- (3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

Forgery and
improper use
of official
documents
etc.

47. (1) In this rule—

- (a) "Government" means any Government whether within or without British India;
- (b) "official document" includes any passport, pass, permit, certificate, licence, notice or other document issued by or under the authority of any Government or any officer of His Majesty's forces or any police officer;
- (c) "official seal" includes any die, seal, plate or other instrument for making an impression or stamp and any impression or stamp of any such die, seal, plate or other instrument, belonging to, or used, made or provided by or for, any Government.

(2) No person shall—

- (a) forge, alter, tamper with or destroy any official document or any application, request or receipt in respect of any official document; or
- (b) use or have in his possession any forged or altered official document, or any document so

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

nearly resembling an official document as to be calculated to deceive; or

- (c) personate or falsely represent himself to be, or not to be, a person to whom an official document relates or to whom an official document or any secret official codeword or password has been duly issued or communicated; or
- (d) with intent to obtain an official document, secret official codeword or password, whether for himself or for any other person, knowingly make any false statement; or
- (e) without lawful authority make, use or have in his possession or under his control any official seal or any die, seal, plate, or other instrument so nearly resembling an official seal as to be calculated to deceive.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

48. (1) No person shall without lawful authority use or wear—

Improper
use of
uniforms,
etc.

- (a) any official uniform, Indian, British or foreign, or any dress so nearly resembling such uniform as to be calculated to deceive; or
- (b) any official decoration, medal, badge or mark of rank, rating, qualification or duty, Indian, British or foreign, or any copy or miniature thereof, or any ribbon or other emblem designed for use therewith or indicating possession thereof, or any article so nearly resembling any of the aforesaid articles as to be calculated to deceive.

(2) No person shall falsely represent himself to be a person who possesses or has possessed lawful authority to use or wear any such uniform or article as is mentioned in sub-rule (1).

(3) No person shall supply or offer to supply any such uniform or article as is mentioned in sub-rule (1) to or for any person whom he knows to be without lawful authority to use or wear it.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

(5) In any prosecution under sub-rule (1) or sub-rule (2), the onus of proving that a person possessed lawful authority to use or wear any such uniform or article as is mentioned in sub-rule (1) shall, notwithstanding anything contained in the Indian Evidence Act, 1872, lie upon that person. 1 of 157

PART VIII.

PREPARATIONS FOR DEFENCE.

Evacuation
of areas.

49. (1) The Central Government ¹[or the Provincial Government] may, if it appears necessary for the purpose of meeting any actual or apprehended attack or of protecting persons and property from the dangers involved in ¹[or resulting from] such attack ²[or of facilitating any operations of His Majesty's Forces], by order direct, in respect of any specified area, that, subject to any exemptions made by general order or special permission,—

- (a) all persons or any class of persons shall remove themselves or be removed from the said area
- (aa) or to any specified part thereof; *See sub*
- (b) any animals or property or any specified class of animals or property shall be removed from the said area or to any specified part thereof;
- (c) within a specified time any building or other property specified in the order shall be destroyed or rendered useless;

and may do any other act involving interference with private rights of property which is necessary for any of the purposes aforesaid.

(2) An order made under sub-rule (1) for the removal of persons, animals or property may specify—

- (a) the route or routes by which all or any class of persons, animals or property are to remove themselves or be removed from the specified area or to any specified part thereof;
- (b) the time or times by which they are to remove themselves or be removed therefrom or to any specified part thereof;
- (c) the place or places to which they are to proceed or be taken on removing themselves or being removed from the specified area;

and may make such other incidental and supplementary

¹ Inserted by D. C. Dept. notification No. 357-OR/40, dated the 29th February 1940.

² Inserted by D. C. Dept. notification No. 657-OR/41, dated the 1st February 1941.

provisions as may appear necessary or expedient for the

"49A. (1) In the event of the occurrence of hostile attack in the vicinity, any person authorised by the Central Government or the Provincial Government in this behalf may, with a view to securing the public safety or maintaining public order, slaughter any animal which appears to him to be:—

Power to slaughter dangerous and injurious animals in the event of hostile attack

(a) at large or out of control;

(b) dangerous or seriously injured.

(2) The power to slaughter an animal conferred by sub-rule (1) shall include power:—

(a) to cause or procure the animal to be slaughtered by some other person;

(b) to enter, and to authorise any such other person to enter, upon any land for the purpose of the slaughter;

(c) to remove and dispose of the carcase, or cause it to be removed and disposed of:

Provided that except where an animal is slaughtered in a place to which the public have access, the power to remove the carcase shall not be exercised if the owner of the animal is present and objects."

possession of any premises "and the circumstances are not such as to render the provisions of "[section 19 of the Defence of India Act, 1939,] applicable], rent shall be paid for such premises at such rates as that Government may by general or special order made in this behalf determine.

(3) The Central Government or the Provincial Government, as the case may be, may, at any time, restore possession of any premises in respect of which action has been taken under sub-rule (1) to the owner or occupier thereof and may order that no person shall thereafter be in those premises except with the consent of the occupier.

(4) If any person contravenes any order made under this rule, he shall be punishable with fine which may extend to five hundred rupees.

5[If any person contravenes any order made under this rule, he shall be punishable with fine which may extend to five hundred rupees.

Defence Exercises.

6[If any person contravenes any order made under this rule, he shall be punishable with fine which may extend to five hundred rupees.

7[If any person contravenes any order made under this rule, he shall be punishable with fine which may extend to five hundred rupees.

8[If any person contravenes any order made under this rule, he shall be punishable with fine which may extend to five hundred rupees.

9[If any person contravenes any order made under this rule, he shall be punishable with fine which may extend to five hundred rupees.

10[If any person contravenes any order made under this rule, he shall be punishable with fine which may extend to five hundred rupees.

the order; and thereupon, within the area and during the period so specified,

(a) any persons engaged in the defence exercises may pass over, or encamp, construct works of a temporary character or execute manœuvres on, any land, or supply themselves with water from any source of water;

(b) any officer of His Majesty's forces may, for the purposes of the defence exercises, give directions prohibiting or restricting the use of any part of a railway, water-way, road or path, or of any telegraph or telephone service, or of any premises ordinarily open to the public, and take such further measures as may be authorised in this behalf by general or special order of the Officer Commanding-in-Chief, the Command.

(2) Notwithstanding anything to the contrary contained in the Indian Railways Act, 1890, the Indian Telegraph Act, 1885, or any other enactment, every public servant shall be bound to comply with any directions given to him under sub-rule (1).

¹[(3) Where any defence exercises are held under the provisions of sub-rule (1), compensation shall be paid for any damage to person or property or interference with rights or privileges arising from such exercises, including expense reasonably incurred in protecting person, property, rights or privileges; and assessment and payment of compensation shall be made in accordance with the provisions of section 6 of the Manœuvres, Field Firing and Artillery Practice Act, 1938:

Provided that no compensation shall be payable in respect of such interference arising out of any direction given or further measures taken under clause (b) of sub-rule (1)].

²[(4)] If any person contravenes any direction given under sub-rule (1) he shall be punishable with fine which may extend to one thousand rupees.]

51. ³[(1) The Central Government or the Provincial Government may, with a view to protecting the general public or any members thereof against the dangers involved in any apprehended attack by land, sea or air, or with a view to acquainting the general public or any members thereof with the action to be taken in such an

¹Inserted by D. C. Dept. notification No. 1030-OR/41, dated the 29th September 1941.

²Re-numbered by *bid*, for the original sub-rule (3).

³Substituted by D. C. Dept. notification No. 558-OR/40, dated the 21st September 1940, for the original sub-rule (1).

508]

Precautions
against
hostile
attack

V of 193:

(see slip

emergency, by order specify the action to be taken by any person or authority on such occasions as may be specified.]

(2) An order made under sub-rule (1) may provide that upon the giving of any specified notice or signal any person or class of persons may, subject to such conditions and in such circumstances as may be specified, enter and remain in or on any premises or property ¹[(notwithstanding that such premises or property would not otherwise be open to the public)] which may be specified or which may be appointed for the purpose of this rule by any specified authority or person.

(3) No person shall—

(a) wilfully obstruct any person entering or seeking to enter any premises or property in accordance with an order made under this rule, or

(b) eject from any premises or property any person who is entitled to remain there by virtue of such an order.

y order
under (4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to six months ²[or with fine or with both].

³[51A. (1) The Central Government or the Provincial Government may by general or special order make provision for requiring that persons shall always be present, or shall be present at such times as may be specified in the order, on premises to which the order applies, and shall perform such duties and have such powers in connexion with the detection and extinction of outbreaks of fire as may be specified in the order.]

Watching of premises to detect fire.

nake those take those

as may arrange-respects carries con-

A) (2) Any police officer, or any other person authorised in this behalf by the Central Government or the Provincial Government, may at any time enter and inspect any premises to which any order made under sub-rule (1) applies for the purpose of seeing whether the order is being complied with.

⁴[(3) Where any defence exercises are held under the provisions of sub-rule (1), compensation shall be

¹ Inserted by D. C. Dept. notification, No. 770-OR/41, dated the 19th April 1941.

² Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words " and shall also be liable to fine ".

³ Rules 51A, 51B and 51C were inserted by D. C. Dept. notification No. 713-OR/41, dated the 15th February 1941.

⁴ Inserted by D. C. Dept. notification No. 1030-OR/41, dated the 29th September 1941.

paid for any damage to person or property or interference with rights or privileges arising from such exercises, including expense reasonably incurred in protecting person, property, rights or privileges; and assessment and payment of compensation shall be made in accordance with the provisions of section 6 of the Manœuvres, Field Firing and Artillery Practice Act, 1938 :

Y of 1938.

Provided that no compensation shall be payable in respect of such interference arising out of any direction given or further measures taken under clause (b) of sub-rule (1)].

(4) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

Measures for
dealing with
outbreaks of
fire.

51B. ¹[(1) With a view to preventing the spread, or facilitating the extinction, of fire caused by hostile attack from the air, the Central Government or the Provincial Government may by order make provision for requiring the owners or occupiers of the premises to which the order applies to take such measures as may be specified in the order.]

(2) Any police officer, or any person authorised in this behalf by the Central Government or the Provincial Government, may at any time enter and inspect any premises to which an order made under sub-rule (1) applies for the purpose of seeing whether the order has been complied with; and if that officer or person finds that the order has not been complied with, he may, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, take such steps and use such force as may appear to him to be reasonably necessary for giving effect to the order.

(3) In the event of any outbreak of fire, any person authorised in this behalf by the Central Government or the Provincial Government, may take or cause to be taken such steps and give such directions as appear to him to be necessary for preventing the spread of fire; and the steps which may be so taken include entering upon any land or other property whatsoever and the destruction or removal of anything in, on or over any land or property.

(4) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

¹ Substituted by D. C. Dept. notification No. 856-OR/41, dated the 14th June 1941, for the original sub-rule (1) of rule 51B.

51C. (1) The Central Government may by order require the owner, manager or agent of any mine, or the occupier or manager of any factory—

Protection of
factories and
mines.

- (a) to make, within such period as may be specified in the order, a report in writing stating the measures which he has taken or is taking or proposing to take to secure the due functioning of the mine or factory, and the safety of persons and property therein and in the vicinity thereof, in the event of hostile attack;
- (b) to take, within such period as may be specified in the order, such measures as may be so specified, being measures the taking of which is in the opinion of the Central Government necessary for the purposes aforesaid.

(2) The Central Government may by order require any person or class of persons employed in or in connexion with, or resident within three miles of, any mine or factory, or class of mines or factories, or any local authority within whose jurisdiction any mine or factory is situated, to take, within such period as may be specified in the order, such measures as may be so specified, being measures the taking of which is in the opinion of the Central Government necessary to secure the due functioning of such mine or factory, or class of mines or factories, and the safety of persons or property therein or in the vicinity thereof, in the event of hostile attack.

(3) Any person authorised in this behalf by the Central Government may at any time—

- (a) enter and inspect any factory or mine for the purpose of ascertaining what measures have been, or ought to be, taken to secure the due functioning of the mine or factory, and the safety of persons and property therein and in the vicinity thereof, in the event of hostile attack, or
- (b) enter and inspect any premises belonging to or occupied by any person or authority to whom an order made under sub-rule (1) or sub-rule (2) relates for the purpose of seeing whether the order has been complied with.

(4) If in the opinion of the Central Government any person or authority who has been ordered under sub-rule (1) or sub-rule (2) to take any measures has failed to take, or is unlikely to complete, the measures within the period specified in the order, then, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, the Central Government may cause the said measures to be taken or com-

pleted and the cost thereof shall be recoverable ^{1*} by the Collector as if it were an arrear of land revenue ²[from such person or authority, or where such person is the manager or agent of a mine or the manager of a factory, from the owner of the mine or, as the case may be, the occupier of the factory].

³[(4A) For the purposes of this rule—

(i) "mine" means any mine subject to the operation of the Mines Act, 1923;

IV of 1923

(ii) "factory" means any factory subject to the operation of the Factories Act, 1934, and includes any other premises which in the opinion of the Central Government are being used for maintaining supplies or services essential to the life of the community.] XXV of 1934

(5) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.]

Security of
buildings.

⁴[51D. (1) The Central Government or the Provincial Government may by order as respects any area specified in the order provide for securing that, subject to any exemptions for which provision may be made in the order, no building, or no building of such class as may be specified in the order, shall be erected, extended or structurally altered except with the permission of that Government and in accordance with such requirements as to lay-out, materials and construction as that Government may impose, being requirements which it is in the opinion of that Government necessary to impose for the purpose of rendering the building less vulnerable to air raids or of affording better protection to persons using or resorting to it.

(2) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.]

¹ The words "from such person or authority" omitted by D. C. Dept. notification No. 713-OR/41, dated the 19th February 1941.

² Added by *ibid.*

³ Inserted by D. C. Dept. notification No. 871-SM/41, dated the 20th September 1941.

⁴ Substituted by D. C. Dept. notification No. 796-OR/41, dated the 16th August 1941, for the original rule which was inserted by D. C. Dept. notification No. 796-OR/41, dated the 3rd May 1941.

¹[51E. (1) The Central Government or the Provincial Government may by order, as respects such premises as may be specified in the order,—

- (a) require the owner of the premises to take ~~such measures as may be specified in the order~~, or
 (b) authorise any person to take such measures as may be so specified,

being measures which are in the opinion of that Government necessary to secure that such premises are or can be made less readily recognisable in the event of hostile attack.

See slip.
 (2) No person shall, except with permission granted by or on behalf of the Central Government or the Provincial Government, as the case may be, remove, alter, or tamper with any work done in pursuance of this rule.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.]

²[51F. (1) In this rule, "the appropriate Government" means, in relation to Cantonment authorities and in relation to port authorities in major ports, the Central Government, and in relation to other local authorities the Provincial Government.

Power to require local authorities to take precautionary measures.

(2) The provisions of this rule and of any order made thereunder shall have effect notwithstanding anything contained in any law or instrument defining the powers, duties or obligations of a local authority.

(3) The appropriate Government may by order require any local authority to take, within such period as may be specified in the order, such measures as may be so specified, being measures which are in the opinion of that Government necessary for the protection of persons and property under the control or within the jurisdiction of such authority from injury or damage, or for ensuring the due maintenance of the vital services of the authority, in the event of hostile attack; and thereupon—

- (a) it shall be the duty of the local authority to comply with the order,
 (b) the funds of the local authority shall be applicable to the payment of the charges and expenses incidental to such compliance, and
 (c) priority shall be given to such compliance over all other duties and obligations of the local authority.

¹ Inserted by D. C. Dept. notification No. 987-OR/41, dated the 23rd August 1941.

² Inserted by D. C. Dept. notification No. 871-SM/41, dated the 6th September 1941.

(4) If in the opinion of the appropriate Government any local authority which has been ordered under sub-rule (3) to take any measures has failed to take, or is unlikely to complete, the measures within the period specified in the order, then, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, the appropriate Government may ~~cause the said measures to be taken or completed, and direct that the cost thereof shall be defrayed out of the funds of the local authority.~~ *(See slip)*

51G] 52. (1) The Central Government or the Provincial Government may by order provide—

Control of
lights and
sounds.

(a) for prohibiting or regulating the display of lights of any specified description;

¹[(aa) for the screening of any lighting apparatus, whether for the time being alight or not, carried on, or attached to, any specified class of vehicles;]

(b) for securing that, in specified circumstances, indication of the position of such premises and places, and warning of the presence of such vehicles and vessels, as may be specified shall be given by means of such lights as may be specified, and for prescribing the manner in which any apparatus used for the purpose of exhibiting such lights is to be constructed, installed or used;

(c) for prohibiting or regulating the use of roads by any particular class of traffic, so far as appears to it to be necessary for avoiding danger consequent on compliance with any provisions of an order made under this rule which relate to the lighting of roads or of vehicles on roads;

(d) for prohibiting or regulating such activities as may be specified, being activities which consist of or involve the emission of smoke, flames, sparks or glare or the making of noise.

(2) An order under sub-rule (1) may be made so as to apply to any specified area or premises, may make different provisions as respects different parts of an area or different classes of premises, places, vehicles or vessels therein, may provide for exempting any premises, places, vehicles or vessels (either absolutely or conditionally) from the operation of any of the provisions of the order,

¹ Inserted by D. C. Dept. notification No. 538-OR/40, dated the 31st August 1940.

and may contain such incidental and supplementary provisions as appear to the authority making the order to be necessary or expedient for the purposes of the order.

(3) If any order made under sub-rule (1) is contravened in respect of, or in relation to, any light, premises, place, vehicle, vessel, apparatus, road or activity to which the order applies, any police officer, or any person authorised in this behalf by the authority making the order, may take such steps and use such force as may, in his opinion, be reasonably necessary for giving effect to the order, and in the exercise of this power shall have a right of access to any land or other property whatsoever.

(4) If any order made under this rule is contravened in respect of any premises, place, vehicle or vessel, the occupier of the premises or place, the person in charge of the vehicle, or the master of the vessel, as the case may be, shall (without prejudice to any proceedings which may be taken against any other person) be deemed to have contravened the provisions of this rule :

Provided that in any proceedings which by virtue of this sub-rule are taken against any person in respect of a contravention of such an order on the part of another person, it shall be a defence for the accused to prove that the contravention or non-compliance occurred without his knowledge and that he exercised all due diligence to secure compliance with the order.

(5) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months ¹[or with fine or with both].

52A ————— See slip —————
53. (1) The Central Government or the Provincial Government may, by order, direct that, subject to any specified exemption, no person present within any specified area shall between such hours as may be specified be out of doors except under the authority of a written permit granted by a specified authority or person. Curfew.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months ¹[or with fine or with both].

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words " and shall also be liable to fine ".

PART IX.

CONTROL OF ARMS AND EXPLOSIVES.

54. ¹[(1) The Central Government or the Provincial Government may, by general or special order, prohibit, restrict or impose conditions on, the possession, carrying, use, sale or other disposal of—

- (a) arms or articles capable of being used as arms;
- (b) ammunition;
- (c) substances (hereinafter referred to as explosive substances) which are, or are declared to be, explosives within the meaning of the Indian Explosives Act, 1884.]

IV of 1884.

(2) Without prejudice to any powers conferred by or under any other law for the time being in force,—

- (a) if any police officer not below the rank of head constable or any other public servant authorised by the Central Government or a Provincial Government to act under this rule, suspects that any arms, “[articles capable of being used as arms,]” ammunition, or explosive substances are in or upon any land, vehicle, aircraft, vessel, building or other premises in contravention of an order made under sub-rule (1), he may enter, if necessary by force, and search the land, vehicle, aircraft, vessel, building or premises in or upon which he suspects that a contravention of an order made under sub-rule (1) has been committed at any time of the day or night, and may seize any arms, ²[articles capable of being used as arms], ammunition, or explosive substances found therein or thereon which he suspects to be therein or thereon in contravention of such order;

- (b) if any police officer, or any other public servant authorised by the Central Government or the Provincial Government to act under this rule, suspects that any person is carrying, or in possession of, arms, ²[articles capable of being used as arms,] ammunition, or explosive substances ³* * * in contravention of an order made under sub-rule (1) such officer or other public servant may stop and

¹ Substituted by D. C. Dept. notification No. 516-OR/40, dated the 26th October 1940, for the original sub-rule (1).

² Inserted by *ibid.*

³ The words “or other articles” omitted by D. C. Dept. notification No. 516-OR/40, dated the 26th October 1940.

search or cause to be searched such person and seize any arms, ¹[articles capable of being used as arms,] ²[ammunition or explosive substances] ^{3*} * possessed or carried by him ¹[which such officer or other public servant suspects to be possessed or carried] in contravention of such order :

Provided that no female shall be searched in pursuance of the provisions of this rule except by a female.

(3) Any arms, ammunition, explosive substances or other articles seized under the provisions of this rule may be destroyed or otherwise disposed of as may be ordered by the Provincial Government.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years ⁴[or with fine or with both].

55. (1) The Central Government may, as respects any premises used for producing, treating, handling or keeping any munitions of war, explosives or petroleum or any other substance to which any of the provisions of the Indian Explosives Act, 1884, or of the Petroleum Act, 1934, apply, or may be applied, by order make provision for the safety of persons and property in, or in the vicinity of, such premises; and by any such order may authorise the searching of persons entering, or seeking to enter, or being within any premises to which the order applies :

Manufacture and transport of explosives and other dangerous articles.

Provided that no female shall be searched in pursuance of such order except by a female.

(2) The Central Government may by order make, in relation to the conveyance on vehicles or vessels of any description of any such articles or substances as are mentioned in sub-rule (1), such provision as may appear to be necessary or expedient for the protection of persons or property against danger arising from, or in connection with, such conveyance.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to two years ⁴[or with fine or with both].

¹ Inserted by D. C. Dept. notification No. 516-OR/40, dated the 26th October 1940.

² Substituted by *ibid* for the words "ammunition, explosive substances".

³ The words "or other articles" omitted by D. C. Dept. notification No. 516-OR/40, dated the 26th October 1940.

⁴ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

PART X.

PUBLIC SAFETY AND ORDER.

Control of
processions,
meetings, etc.

56. (1) ¹[The Central Government or the Provincial Government] may, ²[for the purpose of securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war] by general or special order, prohibit, restrict or impose conditions upon, the holding of or taking part in public processions, meetings or assemblies * * * ¹³.

(2) For the purposes of sub-rule (1), any procession, meeting or assembly which is open to the public or to any class or portion of the public, whether held in a public or a private place and whether admission thereto is restricted by the issue of tickets or otherwise, shall be deemed to be a public procession, meeting or assembly as the case may be.

(3) Any police officer may take such steps, and use such force, as may be reasonably necessary for securing compliance with any order made under this rule.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years ⁴[or with fine or with both].

Power to
restrict use
of motor
vehicles.

57. (1) The Central Government ⁵[or the Provincial Government] may, by general or special order, prohibit, restrict or impose conditions upon, the use or possession of any motor vehicle by any person, other than a member of His Majesty's forces, without, a permit from such military authority as may be specified or from the senior police officer in the district in which the said person resides.

(2) If any police officer or any other person authorised by the Central Government ⁵[or the Provincial Government], in this behalf suspects that any motor vehicle is or is kept in or upon any building, land, vehicle, vessel or other premises or is being used by any person in contravention of an order made under this rule, such officer or person may—

(i) enter and search such building, land, vehicle, vessel or other premises at any time of the

¹ Substituted by D. C. Dept. notification No. 583-OR/40, dated the 21st October 1940, for the words "The Provincial Government."

² Inserted by D. C. Dept. notification No. 232-OR/5/39, dated the 9th September, 1939.

³ The words "for such period as may be specified in the order" omitted by D. C. Dept. notification No. 583-OR/40, dated the 21st October 1940.

⁴ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941 for the words "and shall also be liable to fine".

⁵ Inserted by D. C. Dept. notification No. 895-SM/41, dated the 26th July 1941.

day or night and may seize any motor vehicle found therein or thereon which he suspects to be therein or thereon in contravention of such order;

(ii) stop such person and seize any motor vehicle which is being used in contravention of such order.

(3) ¹[The Central Government or the Provincial Government may] declare any motor vehicle seized in pursuance of this rule to be forfeited to His Majesty and thereupon such motor vehicle shall be disposed of in such manner as may be ²[ordered by that Government].

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months ³[or with fine or with both].

58. (1) The Central Government or the Provincial Government may, by general or special order, prohibit or restrict in any area any such exercise, movement, evolution or drill of a military nature as may be specified in the order. Unlawful
drilling.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years ³[or with fine or with both].

59. ⁴[(1) If the Central Government or the Provincial Government is satisfied that— Unofficial
uniforms,
etc.

(a) the wearing in public of any dress or article of apparel resembling any uniform or part of a uniform required to be worn by a member of His Majesty's Forces or by a member of any official Police Force or of any force constituted under any law for the time being in force,

(b) the wearing or display in public of any distinctive dress or article of apparel or any emblem, would be likely to prejudice the public safety, the maintenance of public order, the defence of British India or the prosecution of the war, the Central Government or the Provincial Government as the case may be, may, by general or special order, prohibit or restrict the wearing or display in public of any such dress, article of apparel or emblem.]

¹Substituted by D. C. Dept. notification No. 895-SM/41, dated the 26th July 1941, for the words "The Central Government may."

²Substituted by *ibid*, for the words "ordered by the Central Government."

³Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine."

⁴Substituted by D. C. Dept. notification No. 536-OR/40, dated the 3rd August 1940, for the original sub-rule (1).

(2) For the purposes of this rule, a dress, an article of apparel or an emblem shall be deemed to be worn or displayed in public if it is worn or displayed so as to be visible to a person in any place to which the public have access.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years ¹[or with fine or with both].

59 A } See Slip
59 B } PART XI.

SHIPPING AND AIRCRAFT.

General
control of
navigation.

60. (1) The Provincial Government as respects inland waters, and the Central Government as respects waters other than inland waters, may by order make provision for regulating the places in or to which vessels may be or go, and the movements, navigation, pilotage, anchorage, mooring, berthing and lighting of vessels, in such waters.

(2) If in the case of any vessel any order made under sub-rule (1) is contravened, the master of the vessel shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

Power to
exclude Indian
vessels from
particular
areas.

²[60A. (1) The Central Government may, if it appears to it to be necessary or expedient so to do for the purpose of facilitating the protection of shipping or the efficient prosecution of war, by order require any vessel registered in British India to leave, or to keep away from, any area specified in the order, and any such order may make provision for such incidental and supplementary matters as appear to the Central Government to be necessary or expedient.

(2) If in the case of any vessel registered in British India an order under sub-rule (1) is contravened or not complied with, the master of the vessel and the owner or other person having the management thereof shall each be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

Control of
buoys,
lights, etc.

61. (1) No person shall, except under permission granted by the Central Government, discontinue, alter or remove, or make any variation in the mode of exhibiting or operating, any light, buoy, beacon or other apparatus used for the purpose of aiding the navigation of shipping or aircraft.

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

² Inserted by D. C. Dept. notification No. 418-OR/40, dated the 29th June 1940.

(2) The Central Government may make orders for prohibiting or restricting the exhibition or operation of, or requiring the removal, alteration or concealment of, or the making of any variation in the mode of exhibiting or operating, any such light, buoy, beacon or other apparatus as aforesaid.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

62. (1) The Central Government may by order make provision—

Measures for
safety of
Indian
vessels.

(a) for securing that any vessel registered in British India shall not, except under permission granted by the Central Government, proceed to sea from any port (whether within or outside British India) unless such requirements in respect of the alteration of the structure or external appearance of the vessel, and in respect of the equipping of the vessel with any particular apparatus, contrivance, appliance or defensive equipment, as may be contained in the order have been complied with;

(b) for securing the proper maintenance and efficient use of any apparatus, contrivance, appliance or defensive equipment with which any such vessel is equipped in pursuance of the order;

²[(bb) for prescribing the wireless telegraph services to be maintained, and the number, grade and qualifications of operators and watchers to be carried in connexion with the operation of any wireless telegraphy apparatus provided in any such vessel, whether in pursuance of the order or otherwise;]

(c) for any incidental or supplementary matters for which it appears to the Central Government to be necessary for the purposes of the order to provide.

(2) An order under sub-rule (1) may be made so as to apply either to a particular vessel or to vessels of a particular class, and so as to apply to any such vessel or vessels either wherever it or they may be or while in such waters, or engaged on such voyages, as may be specified.

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

² Inserted by D. C. Dept. notification No. 547-OR/40, dated the 17th August 1940.

(3) If any vessel proceeds or attempts to proceed to sea in contravention of an order made under this rule, the master of the vessel and the owner or other person having the management thereof shall each be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

²[62A. (1) The Central Government may by order make provision for securing that there shall be kept on board any vessel or class of vessels while in port in British India such class or description of persons, or such number of persons, or such number of persons of such class or description, as may be specified in the order.

(2) Any member of His Majesty's forces acting in the course of his duty as such, or any other person authorised in this behalf by the Central Government, may at any time board and inspect any vessel to which any such order applies for the purpose of ascertaining whether the provisions of the order are being complied with.

(3) If any order made under sub-rule (1) is contravened, the master of the vessel and the owner or other person having the management thereof shall each be deemed to have contravened the order, and shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.] *See 22ps.*

63. (1) The Central Government may, as respects any class of vessels registered in British India, by order make provision—

(a) for securing that, subject to any exemptions for which provision may be made by the order, any such class of persons as may be specified in the order shall not be employed on board the vessels to which the order applies;

(b) for prohibiting the employment of any persons or class of persons on board such vessels unless they are holders of certificates of identity issued in such form and manner as may be specified and for determining the circumstances in which certificates of identity may be granted and revoked.

(2) An order under sub-rule (1) may be made so as to restrict the employment of persons either in any capacity or in such capacity as may be specified and so as to restrict the employment of persons on such vessels as aforesaid either wherever they may be or while in

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

² Inserted by D. C. Dept. notification No. 843-OR/41, dated the 9th August 1941.

Measures
for safety of
vessels in
ports.

62A.
behalf
of is for

62AA
62B

Employment
in Indian
vessels.

such waters, or engaged in such trades or on such voyages, as may be specified."

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

²[63A. Notwithstanding anything contained in section 12 of the Indian Merchant Shipping Act, 1923, an officer who has been authorised by or on behalf of the competent authority in the United Kingdom under Regulation 47C of the Defence (General) Regulations, 1939, to act as master or officer of any grade of a British ship shall, while acting in pursuance of the authorisation, be deemed to be duly certificated under the said Act.]

Officers
authorised by
United
Kingdom
deemed duly
certificated.

64. (1) The Central Government, with a view to preventing the employment abroad, in connexion with the management of vessels registered in British India of enemy aliens or persons connected with the enemy, may by order direct that, as from such date as may be specified, the owner, manager or charterer of any vessel registered in British India, being a person resident in British India, or a corporation incorporated under the law of British India, shall not employ in any foreign country or territory, in connexion with the management of the vessel, any person other than a person approved for the purpose by the Central Government; and an order under this rule may be made so as to apply either generally to employment in all foreign countries or territories or to employment in such foreign countries or territories, or such class of foreign countries or territories, as may be specified in the order.

Employment
abroad of
agents for
Indian
vessels.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

65. (1) Without prejudice to any order made under sub-rule (1) of ³[rule 60], the Central Government, with a view to securing that vessels registered in British India are used in such manner only as the Central Government considers expedient in the interests of the defence of British India and the efficient prosecution of the war, or for the maintenance of supplies and services essential to the life of the community, may by order provide that any such vessel registered in British India as

Controlled
trade by
sea.

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

² Inserted by D. C. Dept. notification No. 537-OR/40, dated the 3rd August, 1940.

³ Substituted by D. C. Dept. notification No. 250-OR/39, dated the 13th October 1939, for the word and figures "rule 61".

may be specified in the order shall not proceed to sea from any port (whether within or outside British India) except under the authority of a licence granted by such authority or person as may be specified in the order; and any such order may contain provisions whereby a licence under the order may be granted subject to such limitations and conditions as the authority or person granting the licence thinks fit to impose with respect to—

- (a) the trades in which the vessel may be engaged and the voyages which may be undertaken by the vessel;
- (b) the class of cargoes or passengers which may be carried in the vessel;
- (c) the hiring of the vessel and the terms upon which cargoes or passengers may be carried in the vessel;

and may also contain provisions for requiring any vessel in respect of which such a licence is in force to comply with any directions given on behalf of the Central Government as to the ports to which and the routes by which the vessel is to proceed for any particular purposes.

(2) Any provisions of an order made under sub-rule (1) may be framed so as to apply to any such vessels either wherever they may be or while in such waters. or engaged in such trades or on such voyages, as may be specified.

(3) Without prejudice to any of the provisions of sub-rules (1) and (2), the Central Government, with a view to regulating the use of vessels in the coasting trade, may by order provide that no vessel shall proceed to sea from any port in British India on a voyage to any other such port except under the authority of a licence granted by such authority or person as may be specified in the order.

(4) Without prejudice to any order made under sub-rule (1) of rule 60 or to any other provision of these Rules, the Central Government may make such orders with respect to any ¹[vessel or class of vessels]—

- (a) for securing that goods or passengers shall not be put off or taken on board ²[such vessel or class of vessels] in British India elsewhere than at a prescribed port,
- (b) for determining the class of goods or passengers that may be put off or taken on board ²[such

¹ Substituted by D. C. Dept. notification No. 250-OR/39, dated the 13th October 1939, for the words " particular vessel ".

² Substituted by D. C. Dept. notification No. 250-OR/ 39, dated the 13th October 1939, for the words " the vessel ".

vessel or class of vessels] at a port in British India, ¹[or

(c) for determining the order of priority in which specified goods or classes of goods shall be put off or taken on board such vessel or class of vessels at a port in British India,]

as the Central Government considers necessary or expedient in the interests of the defence of British India and the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community.

(5) If any vessel proceeds or attempts to proceed to sea in contravention of an order made under this rule, or if otherwise there is any contravention of such an order in the case of a vessel, the master of the vessel and the owner or other person having the management thereof shall each be deemed to have contravened such order and shall be punishable with imprisonment for a term which may extend to five years ²[or with fine or with both].

66. ³[(1) The Central Government may by order in writing requisition— Requisitioning of vessels.

(a) any vessel in British India or anything on board a vessel in British India;

(b) any vessel registered in British India, or any thing on board such vessel, wherever such vessel may be;

and may make such further orders as appear to the Central Government to be necessary or expedient in connection with the requisitioning:

Provided that the preceding provisions of this rule shall not authorise the requisitioning of any vessel registered in the United Kingdom or in any Dominion within the meaning of the Statute of Westminster, 1931, or of anything on board such vessel.]

⁴[(1a) Any vessel requisitioned under the Requisitioning of Vessels Ordinance, 1939, shall be deemed to have been requisitioned by order of the Central Government under sub-rule (1).]

¹ Inserted by D. C. Dept. notification No. 250-OR/39, dated the 13th October 1939.

² Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

³ Substituted by D. C. Dept. notification No. 324-OR/40, dated the 17th July 1940, for the original sub-rule (1).

⁴ Inserted by D. C. Dept. notification No. 324-OR/40, dated the 10th February 1940.

1[(2) Where the Central Government has requisitioned any vessel under sub-rule (1), the Central Government may use or deal with the vessel for such purpose and in such manner as may appear to it to be expedient, and may acquire it by serving on the owner or person having the management thereof a notice stating that the Central Government has acquired it in pursuance of this rule.

Where such notice of acquisition is served on the owner or person having the management of the vessel, then at the beginning of the day on which the notice is served the vessel shall vest in the Central Government free from any mortgage, pledge, lien or other similar obligation, and the period of the requisition thereof shall end. ;]

2[(2a) The Central Government may by order require the owner, or the person having the management, of any vessel ~~registered in British India~~ to furnish to such authority as may be specified in the order such information in his possession relating to the vessel or to things on board the vessel (being information which may reasonably be required of him in connexion with the execution of this rule) as may be so specified.]

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years 3[or with fine or with both].

67. (1) No person shall transfer or acquire any interest in any vessel registered in British India without the previous consent in writing of the Central Government.

(2) Notwithstanding anything contained in section 53 of the Merchant Shipping Act, 1894, an application made (whether before or after the commencement of the Ordinance) for the transfer of the registry of a ship registered in British India from one port to another, shall not be granted except with the approval of the Central Government.

(3) If any person contravenes any of the provisions of sub-rule (1), he shall be punishable with imprison-

¹ Substituted by Defence Co-ordination Department notification No. 900-SM/41, dated the 11th October 1941, for the original sub-rule (2).

² Inserted by D. C. Dept. notification No. 532-OR/40, dated the 21st September 1940.

³ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

ment for a term which may extend to seven years ¹[or with fine or with both].

²[(4) Any transaction effected in contravention of the provisions of sub-rule (1) shall be void and unenforceable.]

³[67A. (1) In this rule "foreign ship" means a ship which is not a ship registered in the British Isles, or in India, or in British Burma, or in any Dominion as defined in the Statute of Westminster, 1931, or in any Colony. Power to restrict use of foreign ships.

(2) The Central Government may by notified order make provision for regulating or restricting the charter by persons in British India, whether on their own behalf or as agents for other persons whether within or without British India, of foreign ships or of space or accommodation therein and the entering into agreements for the carriage of goods in foreign ships by or on behalf of persons in British India.

(3) If any person contravenes the provisions of any order made under sub-rule (2), he shall be punishable with fine.]

68. (1) The Central Government may by order in writing require the owner, or the person having the management, or the master, of any vessel registered in British India— Power to take up accommodation in certain vessels.

(a) to place at the disposal of Government the whole or any part of the space or accommodation available on such vessel, and to employ such space or accommodation for the carriage of any persons, animals or things to any place specified in the order, and

(b) to undertake or permit to be undertaken such structural additions or alterations on board such vessel as may be necessary to fit it for the safe carriage of any persons, animals or things.

⁴(2) Whenever in pursuance of clause (a) of sub-rule (1) any space or accommodation in any vessel is placed at the disposal of the Central Government ⁴[and the

¹ Inserted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

² Inserted by D. C. Dept. notification No. 115-OR/39, dated the 11th November 1939.

³ Inserted by D. C. Dept. notification No. 1040-OR/41, dated the 9th October 1941.

⁴ Inserted by D. C. Dept. notification No. 209-OR/39, dated the 6th October 1939.

circumstances are not such as to render the provisions of ¹[section 19 of the Defence of India Act, 1939,] applicable], the owner of such vessel shall be paid therefor at such rates as the Central Government may by order made in this behalf determine.

(3) Whenever in pursuance of clause (b) of sub-rule (1) the Central Government requires any structural additions or alterations to be undertaken on board any vessel, the owner of such vessel shall be paid the actual cost of such additions or alterations.

(4) Where, in respect of any vessel, there subsists between a British subject resident in India or a corporation incorporated under the law of British India and any other person a charter-party or other contract under which the first-mentioned person is entitled to possession of it, or has the right to have any articles carried in it or to use any space or accommodation in it, the Central Government may serve on the first-mentioned person, in any manner appearing to the Central Government to be convenient, a notice stating that on such date as may be specified in the notice his rights and liabilities under the contract will be transferred to the Central Government; and in that event the contract shall, as regards any rights exercisable, or liabilities incurred on or after the said date, have effect, subject to the provisions of sub-rule (1), as if the Central Government were a party to the contract instead of the person on whom the notice was served, and as if for any reference in the contract to that person there were substituted a reference to the Central Government.

(5) The Central Government may at any time cancel a notice served under the provisions of sub-rule (4) in respect of a contract, and thereupon the provisions of the said sub-rule shall, unless and until a further notice is served thereunder in respect of that contract, cease to operate in relation to the contract as regards any rights exercisable, or liabilities incurred, on or after the date on which the cancellation takes effect.

(6) If any order made under sub-rule (1) is contravened, the master of the vessel and the owner or other person having the management thereof shall each be deemed to have contravened such order and shall be punishable with imprisonment for a term which may extend to three years ²[or with fine or with both].

¹ Substituted by D. C. Dept. notification No. 261-OR/39, dated the 14th November 1939, for the words and figures "section 18 of the Ordinance".

² Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

69. ¹[(1) The Central Government, if it appears to it to be necessary or expedient so to do in the interests of the defence of British India, the public safety or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community, may by order direct—

Stopping of vessels.

(a) as regards any class of vessels in British India, that no vessel of that class shall leave any port or place in British India at which it may be, or

(b) as regards any particular vessel at any port or place in British India, that that vessel shall not leave that port or place,

except with permission granted by such authority as may be specified in the order.

(2) If any vessel leaves or attempts to leave any port or place in contravention of an order made under sub-rule (1), the master of the vessel shall be punishable with imprisonment for a term which may extend to five years ²[or with fine or with both].]

70. ³[(1) No person shall without the previous consent in writing of the Central Government transfer or acquire any interest in any aircraft registered under the Indian Aircraft Act, 1934, ⁴[wherever such aircraft may be] whether the certificate of registration of such aircraft is in force or not, or in any part of an aircraft, or in any materials identified, under any system recognised by the Director of Civil Aviation in India, for the purpose of the construction of aircraft.

Power to restrict the transfer of aircraft.

(1A) Any transaction effected in contravention of the provisions of sub-rule (1) shall be void and unenforceable.]

(2) If any person contravenes any of the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to seven years ²[or with fine or with both].

71. The pilot of any aircraft flying in contravention of any provision of, or of any rule made under, the

Enforcement of provisions of the Indian Aircraft Act and Rules

¹ Substituted by D. C. Dept. notification No. 484-OR/40, dated the 1st February 1941, for the original rule which was inserted by D. C. Dept. notification No. 3540/40, dated the 18th May 1940.

² Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

³ Substituted by D. C. Dept. notification No. 115-OR/39, dated the 11th November 1939, for the original sub-rule (1).

⁴ Inserted by D. C. Dept. notification No. 631-OR/40, dated the 3th February 1941.

Indian Aircraft Act, 1934, shall, on being warned in the manner prescribed by the rules made under that Act, immediately land, and if such pilot fails to comply with such warning as aforesaid, any commissioned officer of His Majesty's forces may take or cause to be taken such action as may be necessary to terminate the flight. XXII
1934

Requisitioning
of aircraft.

72. (1) The Central Government, subject to the provisions of sub-rule (2), may by order in writing requisition—

(a) any aircraft in British India and anything on board or forming part of any aircraft in British India;

(b) any aircraft registered under the Indian Aircraft Act, 1934, or anything on board or forming part of such an aircraft wherever such aircraft may be; XXII
1934

(c) any machinery, plant, material or thing used for the operation, manufacture, repair or maintenance of aircraft;

and may give such further orders as appear to the Central Government to be necessary or expedient in connection with the requisitioning.

(2) Nothing in sub-rule (1) shall authorise the requisitioning of any aircraft registered in the United Kingdom, or any Dominion within the meaning of the Statute of Westminster, 1931, or of anything on board or forming part of such aircraft.

¹[(3) Where the Central Government has requisitioned any aircraft under sub-rule (1), the Central Government may use or deal with the aircraft for such purpose and in such manner as may appear to it to be expedient, and may acquire it by serving on the owner or person having the management thereof a notice stating that the Central Government has acquired it in pursuance of this rule.

Where such notice of acquisition is served on the owner or person having the management of the aircraft, then at the beginning of the day on which the notice is served the aircraft shall vest in the Central Government free from any mortgage, pledge, lien or other similar obligation, and the period of the requisition thereof shall end.]

¹ Substituted by Defence Co-ordination Department notification No. 900-SM/41, dated the 11th October 1941, for the original sub-rule (3).

¹[(3a) The Central Government may by order require the owner, or the person having the management of, any such aircraft or thing as is referred to in sub-rule (1) to furnish to such authority as may be specified in the order such information in his possession relating to the said aircraft or thing (being information which may reasonably be required of him in connexion with the execution of this rule) as may be so specified.]

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years ²[or with fine or with both].

73. (1) The Central Government may, by order in writing, require the owner or the person having the management or the pilot of any aircraft registered under the Indian Aircraft Act, 1934,—

Power to take up accommodation in aircraft.

(a) to place at the disposal of Government the whole or any part of the space or accommodation available in or on such aircraft and to employ such space or accommodation for the carriage of any persons, animals or things to any place specified in the order; and

(b) to undertake or permit to be undertaken such structural additions or alterations to such an aircraft as may be necessary to fit it for the safe carriage of any persons, animals or things.

(2) Whenever in pursuance of clause (a) of sub-rule (1) any space or accommodation in any aircraft is placed at the disposal of the Central Government ³[and the circumstances are not such as to render the provisions of ⁴[section 19 of the Defence of India Act, 1939,] applicable], the owner of such aircraft shall be paid therefor at such rates as the Central Government may by order made in this behalf determine.

¹ Inserted by D. C. Dept. notification No. 532-OR/40, dated the 21st September, 1940.

² Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

³ Inserted by D. C. Dept. notification No. 209-OR/39, dated the 6th October 1939.

⁴ Substituted by D. C. Dept. notification No. 261-OR/39, dated the 14th November 1939, for the words and figures "section 18 of the Ordinance".

(3) Whenever in pursuance of clause (b) of sub-rule (1) the Central Government requires any structural additions or alterations to be undertaken on board any aircraft, the owner of such aircraft shall be paid the actual cost of such additions or alterations.

(4) Where in respect of any aircraft there subsists between a British subject resident in India or a corporation incorporated under the law of British India and any other person a contract under which the first-mentioned person is entitled to possession of it, or has the right to have any articles carried in it or to use any space or accommodation in it, the Central Government may serve on the first-mentioned person, in any manner appearing to the Central Government to be convenient, a notice stating that on such date as may be specified in the notice his rights and liabilities under the contract will be transferred to the Central Government; and in that event the contract shall, as regards any rights exercisable, or liabilities incurred on or after the said date, have effect, subject to the provisions of sub-rule (1), as if the Central Government were a party to the contract instead of the person on whom the notice was served, and as if for any reference in the contract to that person there were substituted a reference to the Central Government.

(5) The Central Government may at any time cancel a notice served under sub-rule (4) in respect of a contract, and thereupon the said sub-rule shall, unless and until a further notice is served thereunder in respect of that contract, cease to operate in relation to the contract as regards any rights exercisable, or liabilities incurred, on or after the date on which the cancellation takes effect.

(6) If any order made under sub-rule (1) is contravened, the pilot of the aircraft and the owner or other person having the management thereof shall each be deemed to have contravened such order and shall be punishable with imprisonment for a term which may extend to three years ¹[or with fine or with both].

Stopping of
aircraft.

74. (1) Any person authorised in this behalf by the Central Government may, if it appears to that person to be necessary in the interests of the defence of British India so to do, order, with respect to any particular aircraft at any place in British India, that the aircraft shall not leave the place until permitted to do so by such authority or person as may be prescribed in the order.

(2) Subject to the provisions of sub-rule (3), if any aircraft leaves or attempts to leave any place in contravention of any such order as aforesaid, the pilot of the

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words " and shall also be liable to fine ".

aircraft shall be punishable with imprisonment for a term which may extend to three years ¹[or with fine or with both].

(3) Any order made under this rule shall cease to have effect ninety-six hours after the time at which it is made, unless in the meantime it has been confirmed by the Central Government.

75. (1) The Central Government may, by order, make provision as to the places in British India in or to which seaplanes may be or go, and generally for regulating the movements, navigation, pilotage, anchorage, mooring, berthing and lighting of seaplanes on the surface of the water. ^{Control of navigation of seaplanes.}

(2) For the purposes of this rule seaplanes taking off from, or alighting on, the water shall be deemed to be on the surface of the water while they are in contact therewith.

(3) If in the case of any seaplane an order made under the provisions of sub-rule (1) is contravened, the pilot of the seaplane shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

PART XII.

ESSENTIAL SUPPLIES AND WORK.

76. (1) The Central Government or the Provincial Government may by order in writing requisition any building, part of a building, or other premises, together with any fixtures, fittings, furniture or other things therein, and may make such further order as appear to that Government to be necessary. ^{Powers relating to buildings and premises.}

For sub-rule (2) of rule 76, the following sub-rule shall be substituted, namely:—

“(2) Where the Central Government or the Provincial Government has requisitioned any premises or thing under sub-rule (1), that Government may use or deal with such premises or thing in such manner as may appear to it to be expedient, and may acquire such premises or thing by serving on the owner thereof a notice stating that the Central Government or the Provincial Government, as the case may be, has acquired them or it in pursuance of this rule.

Where such notice of acquisition is served on the owner of the premises or thing, then at the beginning of the day on which the notice is served the premises or thing shall vest absolutely in that Government free from all encumbrances, and the period of the requisition thereof shall end.”;

¹ [Defence Co-ordination Department, Notification No. 1128-OR/41, dated the 26th November 1941.]

² Inserted by D. C. Dept. notification No. 532-OR/40, dated the 21st September 1940.

General
control of
industry, etc.

81. (1) In this rule ¹[any reference to article shall be construed as including a reference to electrical energy, and] the expression "undertaking" means any undertaking by way of any trade or business.

(2) The Central Government, ^{or the Provincial Govt.} so far as appears to it to be necessary or expedient for securing the defence of British India or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may by order provide—

(a) for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, disposal, acquisition, use or consumption of articles or things of any description whatsoever ²[and in particular for prohibiting the withholding from sale, either generally or to specified persons or classes of persons, of articles or things kept for sale, and for requiring articles or things kept for sale to be sold either generally or to specified persons or classes of persons or in specified circumstances;]

³[(aa) for controlling the rates at which any vessel registered in British India may be hired and the rates at which persons or goods may be carried in or on any such vessel;]

(b) for controlling the prices ⁴[or rates] at which articles or things of any description whatsoever may be sold ⁴[or hired]; *see ship*

⁵[(bb) for regulating the letting and sub-letting in ⁶[any area] of residential accommodation, whether furnished or unfurnished and whether with or without board, and in particular,—

(i) for controlling the rents for such accommodation *either generally or ⁷see ship*

¹ Inserted by D. C. Dept. notification No. 694-OR/41, dated the 5th April 1941.

² Inserted by D. C. Dept. notification No. 366-OR/40, dated the 8th June 1940.

³ Inserted by D. C. Dept. notification No. 570-OR/40, dated the 21st September 1940.

⁴ Inserted by D. C. Dept. notification No. 662-OR/41, dated the 21st January 1941.

⁵ Substituted by D. C. Dept. notification No. 960-OR/41, dated the 2nd August 1941, for clause (bb) of sub-rule (2), which was inserted by Labour Department notification No. B-52, dated the 28th September 1939, and amended by D. C. Dept. notification No. 793-OR/41, dated the 26th April 1941.

⁶ Substituted by D. C. Dept. notification No. 949-OR/41, dated the 16th August 1941, for the words and brackets "any urban area (including a cantonment)".

- (ii) for preventing the unreasonable eviction of tenants and sub-tenants from such accommodation, and
- (iii) for requiring such accommodation to be left either generally, or to specified persons or classes of persons, or in specified circumstances ;]
- ¹[(c) for regulating the carrying on of any undertaking engaged in, or capable of doing, work appearing to the Central Government essential to any of the above mentioned purposes, and, in particular—
 - (i) for requiring work to be done by an undertaking ;
 - (ii) for determining the order of priority in which, and the period or periods within which work shall be done by an undertaking ;
 - (iii) for controlling or fixing the charges which may be made by the undertakers in respect of the doing of any work by them ; ²* *
 - (iv) for requiring, regulating or prohibiting the engagement in the undertaking of any ³[employee] or any class or classes of ³[employees] ;
 - ⁴[(v) for requiring the undertaking to provide adequate safeguards against sabotage ;]
- (d) for requiring persons carrying on any undertaking to keep such books, accounts and records relating to the undertaking, ⁵[and to employ such accounting and auditing staff], as may be specified in the order ;
- (e) for requiring persons carrying on, or employed in connexion with, any undertaking to produce to such authority as may be specified in the order any books, accounts or other documents relating to the undertaking ; and for requiring such persons to furnish to such authority as may be specified in the order such estimates, returns or other information relating to the undertaking as may be specified in the order or demanded thereunder ;

¹ Substituted by D. C. Dept. notification No. 734-OR/41, dated the 8th March 1941, for the original clause (c) of sub rule (2).

² The word "and" omitted by D. C. Dept. notification No. 927-OR/41, dated the 20th September 1941.

³ Substituted by *ibid*, for the words "workman" and "workmen", respectively.

⁴ Inserted by *ibid*.

⁵ Inserted by D. C. Dept. notification No. 734-OR/41, dated the 8th March 1941.

Order made

- (4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years [or with fine or with both].
- (1) No owner of a mine shall, without the previous sanction of the Central Government, transfer the mine or any interest therein to any person other than a British subject, or to a foreign-controlled company.
- (2) If—

- (a) any person to whom a transfer of any mine has been made in contravention of this rule; or
- (b) any agent entrusted with the charge, control or management of a mine by or on behalf of any person to whom a transfer of a mine has been made in contravention of this rule, and having reason to believe that this rule has been so contravened,
- works such mine or removes any produce or output thereof, he shall be deemed to have contravened this rule.
- (3) In this rule—
- (a) "British subject" means a person who is a natural-born British subject within the meaning of the British Nationality and Status of Aliens Act, 1914, and includes a subject of an Indian State;
- (b) "foreign-controlled company" includes any company, firm or association or body of individuals whether incorporated or not—
- (i) which is not established in and subject to the laws of some part of His Majesty's dominions or of some British Protectorate, and has not its principal place of business therein; or
- (ii) in which the majority of the directors or of the partners, or of the persons occupying the position of directors or partners, by whatever name called, are not British subjects; or
- (iii) in which the majority of the voting power is in the hands of persons who are not British subjects or of persons who exercise their voting power or hold their interest directly or indirectly on behalf of persons who are not British subjects; or

in the order such information in his possession relating to the land (being information which may reasonably be required of him in connexion with the execution of this rule) as may be so specified ;

- (b) direct that the owner or occupier of any land shall not ¹[without the permission of the Central Government or the Provincial Government, as the case may be], dispose of the land or of any interest therein till the expiry of such period as may be specified in the order.]

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to two years, ²[or with fine or with both].

80. (1) Without prejudice to any other of these Rules, ³[the Central Government or the Provincial Government may] by order authorise, subject to any restrictions or conditions imposed by the order, the use of any specified land for naval, military or air force purposes, during such period as may be specified ; and any such order may, so far as appears ⁴[to that Government] to be necessary or expedient for the purposes of the order, provide—

Use of land
for purposes
of His
Majesty's
forces.

- (a) for entitling ⁵[any] person using any land in pursuance of the order to do such acts in relation to that land as may be specified ;

- (b) for prohibiting or restricting the exercise of rights of way over that land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

(2) If any person contravenes any ^{order made} ~~of the provisions~~ ¹ of this rule, he shall be punishable with imprisonment for a term which may extend to six months. ²[or with fine or with both].

¹ Substituted by D. C. Dept. notification No. 791-OR/41, dated the 26th April 1941, for the words " without the permission of the Central Government ".

² Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words " and shall also be liable to fine ".

³ Substituted by D. C. Dept. notification No. 898-SM/41, dated the 6th September 1941, for the words " the Central Government may ".

⁴ Substituted by *ibid*, for the words " to the Central Government ".

⁵ Inserted by D. C. Dept. notification No. 361-OR/40, dated the 4th March 1940.

- (iv) of which the control is by any other means whatever in the hands of persons who are not British subjects; or
- (v) of which the managing body is a company, or the majority of the managing body are appointed by a company, of the nature described in any of the above sub-clauses;
- (c) "mine" includes a quarry and any mineral deposit or land known or believed to contain a mineral deposit of commercial value;
- (d) "owner" includes a lessee, any person having a transferable interest and any agent of an owner or a lessee or of any person having such interest.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

Requisition-
ing of
movable
Property.

83. ²[(1) If in the opinion of the Central Government or Provincial Government it is necessary or expedient so to do for securing the defence of British India, the Public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community, that Government may by order in writing requisition any animal, product, article or thing, and may make such further orders as appear to that Government to be necessary or expedient in connection with the requisitioning.

(2) Where the Central Government or Provincial Government has requisitioned any animal, product, article or thing under sub-rule (1), that Government may use or deal with the animal, product, article or thing in such manner as may appear to it to be expedient, and may acquire it by serving on the owner thereof a notice stating that the Central or Provincial Government, as the case may be, has acquired it in pursuance of this rule.

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

² Substituted by D. C. Dept. notification No. 900-SM/41, dated the 11th October 1941, for the original sub-rules (1), (2) and (3) as amended by D. C. Dept. notification No. 202-OR/39, dated the 17th January 1941.

Where such notice of acquisition is served on the owner of the animal, product, article or thing, then at the beginning of the day on which the notice is served the animal, product, article or thing shall vest in Government free from any mortgage, pledge, lien or other similar obligation, and the period of the requisition thereof shall end.

(3) Whenever in pursuance of sub-rule (1) or sub-rule (2), the Central Government or Provincial Government requisitions or acquires any animal, product, article or thing, the owner thereof shall be paid such compensation as that Government may determine.]

or the Provincial Govt.
¹[(3a) The Central Government/may, with a view to the requisitioning of any animal, product, article or thing, or the determining of the ²[compensation payable in respect] of any animal, product, article or thing which has been requisitioned, by order—

(a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the animal, product, article or thing as may be so specified ;

(b) direct that the owner, or person in possession, of the animal, product, article or thing shall not, without the permission of the ~~Central~~ Government, dispose of it till the expiry of such period as may be specified in the order.]

(4) If any person contravenes any order made in pursuance of this rule, he shall be punishable with imprisonment for a term which may extend to three years ³[or with fine or with both].

84. (7) In this rule—

(a) "import" means bringing into British India by sea, land or air ;

(b) "export" means taking out of British India by sea, land or air.

Power to prohibit or restrict the import and export of goods.

¹ Inserted by D. C. Dept. notification No. 532-OR/40, dated the 21st September 1940.

² Substituted by D. C. Dept. notification No. 900-SM/41, dated the 11th October 1941, for the word "price".

³ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

(2) The Central Government may by notified order prohibit or restrict the import or export of all goods or goods of any specified description, from or to any specified person or class of persons.

¹[(3) The Central Government may by notified order make provision for prohibiting, restricting or otherwise controlling, in all cases or in specified classes of cases, and subject to such exceptions, if any, as may be made ²[by or under the order,—

(i) the import, export, carriage coastwise or shipment as ships' stores of all goods or goods of any specified description ;

(ii) the shipment of fresh water on seagoing vessels] :

³[(iii) the bringing into any port or place in British India of goods of any specified description intended to be taken out of British India without being removed from the ship or conveyance in which they are being carried.]

(4) Where, by an order made under sub-rule (2) or sub-rule (3), the import or export or the carriage coastwise or the shipment as ships' stores ³[or the bringing into any port or place] of any goods ⁴[or any shipment of fresh water], is prohibited, restricted or otherwise controlled, such goods ⁴[or as the case may be such fresh water] shall be deemed to be goods of which the import or export has been prohibited or restricted under section 19 of the Sea Customs Act, 1878, and all the provisions of that Act shall have effect accordingly], ⁵[except that section 183 thereof shall have effect as if for the word 'shall' in that section the word 'may' were substituted].

⁶[(5) Notwithstanding anything contained in the Sea Customs Act, 1878, the Central Government may by order prohibit, restrict, or impose conditions on the clearance whether for home consumption or for shipment to a foreign port of any goods or class of goods imported into British India.]

¹ Substituted by D. C. Dept. notification No. 313-OR/39, dated the 5th January 1940, for the original sub-rule (3).

² Substituted by D. C. Dept. notification No. 592-OR/40, dated the 2nd November 1940, for the words " by or under the order, the import or export, or the carriage coastwise or the shipment as ships' stores, of all goods or goods of any specified description ".

³ Inserted by D. C. Dept. notification No. 607-OR/40, dated the 30th November 1940.

⁴ Inserted by D. C. Dept. notification No. 592-OR/40, dated the 2nd November 1940.

⁵ Added by D. C. Dept. notification No. 665-OR/41, dated the 25th January 1941.

⁶ Added by D. C. Dept. notification No. 972-OR/41, dated the 12th August 1941.

[84A. (1) In rule 84B, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "Enemy" and "enemy subject" have the meanings respectively assigned to them by rules 97 and 103;

(b) "Design", "invention", "patent" and "patentee" have the meanings assigned to them by section 2 of the Indian Patents and Designs Act, 1911.

(2) Where a patent has been granted to any person in respect of an invention communicated to him by some other person, that other person shall, for the purposes of rule 84B, be deemed to have an interest in the patent unless the contrary is proved.

84B. (1) Where—

(a) an enemy or an enemy subject is, or has at any time subsequent to the 2nd September 1939 been, whether alone or jointly with any other person, the proprietor of a patent or registered design, or entitled to any other interest in a patent or registered design (not being merely the interest of a licensee), and

Power of Central Government to grant licences under patents, or designs of enemies and enemy subjects.

(b) the Central Government is satisfied that it is expedient for securing the defence of British India or the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community that the rights conferred by the patent should be exercised, or that the design should be applied, as the case may be, and that a person who is not an enemy or an enemy subject desires to exercise the said rights or apply the said design and is in a position so to do,

the Central Government may, on the application of that person, make an order granting to him a licence under the patent or for the application of the design, as the case may be, either for the whole of the residue of the term of the patent or the registration, or for such less period as the Central Government thinks fit.

(2) The power of the Central Government under this rule to make an order granting a licence shall include the power—

(a) to make an order granting an exclusive licence;

(b) to make an order granting a licence in relation to a patent or registered design, notwith-

standing that a licence, whether exclusive or otherwise (not being an exclusive licence granted by virtue of the powers conferred by this rule), is in force in relation thereto; and

- (c) to make an order granting a licence on any terms that the Central Government may think expedient.

(3) Where, under the power conferred by this rule, the Central Government makes an order granting a licence in relation to a patent or registered design, in relation to which any other licence has been granted otherwise than by an order made under this rule, the Central Government may, in relation to that other licence, make such order—

- (a) revoking the licence;
- (b) revoking or varying any conditions subject to which the licence has effect; or
- (c) revoking or varying any of the provisions of a contract relating to the licence in so far as they relate thereto,

as appears to it to be expedient having regard to the order made under sub-rule (1).

(4) An order granting a licence under this rule shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting the licence which the patentee or the proprietor of the registered design, as the case may be, and all other parties having any interest therein, had executed with full capacity so to do, and the order shall accordingly operate to take away from any such party any right in relation thereto, the exercise whereof would be inconsistent with the exercise of the licence in accordance with and subject to the terms on which it is granted.

(5) A licensee under a licence granted under this rule may institute proceedings for infringement in his own name as though he were the patentee or the proprietor of the registered design, as the case may be, so, however, that any person other than an enemy who, whether alone or jointly with any other person, is the patentee or the registered proprietor of the registered design, as the case may be, shall, unless the court in which the proceedings are taken thinks fit to direct otherwise, be made a party to the proceedings, either—

- (a) if he consents in writing thereto, as a plaintiff,
- or
- (b) if he does not so consent, as a defendant.

Where any person is made defendant to any proceedings by virtue of this sub-rule, he shall not be liable for any costs unless he enters an appearance and takes part in the proceedings.

(6) An order granting a licence under this rule shall give directions as to the person to whom or the manner in which the licensee is to pay or deal with any royalties or other payments to be paid in respect of the licence.

(7) An order under this rule and a licence granted by such an order may be varied by a subsequent order made by the Central Government either :—

- (a) where the licensee makes application to the Central Government for the variation thereof, or
- (b) where the Central Government is of opinion that circumstances have arisen which make it just and equitable, or that it is expedient for the purposes specified in clause (b) of sub-rule (1), that it should be varied.

(8) An order under this rule and a licence granted by such an order may be revoked by a subsequent order made by the Central Government in any of the following cases, that is to say :—

- (a) where the licensee makes application to the Central Government for the revocation thereof;
- (b) where it appears to the Central Government that it was obtained by any misrepresentation, whether intentional or not, or was made or granted without the Central Government's having full knowledge of the material facts;
- (c) where the licensee has failed to comply with any term on which the licence was granted or with a direction given under sub-rule (6), or has failed to exercise the licence in such a manner as to satisfy the reasonable requirements of the public in relation to the invention or registered design, as the case may be, or has charged unreasonable or excessive prices in respect of anything made or done in the exercise of the licence; or
- (d) where the Central Government is of opinion that circumstances have arisen which make it just and equitable, or that it is expedient for the purposes specified in clause (b) of sub-rule (1), that it should be revoked.

(9) Any licence granted under this rule may provide that the licensee may, subject to such conditions as may be imposed by the Central Government, adopt the name used by the patentee for describing or denoting the article or substance manufactured under the patent.

(10) The fee to be paid on an application under this rule for an order—

- (a) granting a licence,
- (b) revoking any licence,
- (c) revoking or varying any conditions subject to which any licence has effect, or
- (d) revoking or varying any of the provisions of a contract relating to any licence in so far as they relate thereto,

shall be rupees twenty in respect of each patent or registered design.

Effect of wrong
decision as to
enemy
character.

84C. No order made by the Central Government under rule 84B shall be held to be invalid by reason only that any decision made for the purposes of the order that a particular person is an enemy or an enemy subject is wrong.]

PART XIII.

TRANSPORT.

Control of
lines of
communica-
tion for
defence
purposes.

85. (1) The Central Government may, with a view to facilitating any operations of His Majesty's forces or the movement of persons or supplies in connexion with such operations, by general or special order—

- (a) require any railway administration to give special facilities for the transport of such forces, persons or supplies as aforesaid;
- (b) prohibit or restrict the use of any railway, port or aerodrome for such period as may be specified in the order.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years ¹[or with fine or with both].

Control of
carriage of
goods by
railways.

²[**85A.** The Central Government may, by general or special order, direct any Railway Administration—

- (a) to give special facilities or preference for the transport of specified goods or specified classes of goods, or

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine."

² Inserted by D. C. Dept. notification No. 290-OR/39, dated the 27th November 1939.

- (b) to refuse to carry specified goods or specified classes of goods, either entirely or between specified points;

IX of 1890. and notwithstanding anything to the contrary contained in the Indian Railways Act, 1890, a Railway Administration shall be bound to comply with any directions given to it under this rule.]

²[85B. (1) The Central Government or the Provincial Government may by order—

Control of carriage of persons by railways.

- (a) require that any specified person or class of person, or persons proposing to travel to specified destinations, shall not be carried on a railway; and

- (b) prohibit the travelling by railway of any specified person or class of persons.

IX of 1890. (2) Notwithstanding anything to the contrary contained in the Indian Railways Act, 1890, a railway administration shall be bound to comply with any order made under clause (a) of sub-rule (1).

(3) If any person contravenes any order made under clause (b) of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years ²[or with fine or with both].]

86. (1) Without prejudice to any order made under sub-rule (1) of rule 60 or to the provisions of any other of these Rules, the Central Government may by order make provision—

Control of traffic at ports and aerodromes..

- (a) for prohibiting, restricting or otherwise controlling the shipping or unshipping of persons, animals or goods or any specified class of persons, animals or goods at any port;

- (b) for prohibiting, restricting or otherwise controlling the embarking on or putting on board aircraft, or the disembarking or unloading from aircraft, of persons, animals or goods, or any specified class of persons, animals or goods, at any aerodrome;

- (c) generally for regulating, facilitating, or expediting any form of traffic at or in any port or aerodrome.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years ²[or with fine or with both].

¹ Inserted by D. C. Dept. notification No. 378-OR/40, dated the 6th April 1940.

² Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine."

Congestion of traffic at ports and aerodromes and on railways.

87. (1) The appropriate authority may, for the purpose of preventing or avoiding any undue congestion at any port or aerodrome or on any railway premises, cause to be removed therefrom, and kept at such places as that authority thinks proper, any goods which are not removed with reasonable despatch by or on behalf of the consignee.

(2) The cost of the removal and custody of any goods under sub-rule (1) shall be recoverable from the consignee as an arrear of land revenue by the appropriate authority, which for the purposes of such recovery shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890.

I of 1890.

(3) For the purposes of this rule, the expression "appropriate authority" means—

(a) in respect of a port, the port authority of the port, or any person authorised by that authority in this behalf;

(b) in respect of an aerodrome, the Director of Civil Aviation;

(c) in respect of any railway premises, the officer authorised in this behalf by the railway administration concerned. [see slip]

Handling and conveyance of ammunition, etc.

87A 88. ¹[(1) If it appears to the Central Government to be necessary or expedient so to do for securing the defence of British India or the efficient prosecution of war, or for maintaining supplies essential to the life of the community, the Central Government may by notified order declare that such restrictions imposed by or under any law for the time being in force as may be specified in the order shall not apply to the loading, unloading, handling, storage or conveyance of ammunition, explosives or inflammable substances in the service of His Majesty, or under instructions given on behalf of Government, or for purposes of defence, or in such other circumstances, as may be specified in the order.]

(2) When a declaration has been made under sub-rule (1), the Central Government may by order make such provision as appears to it to be required in the interests of safety for regulating the loading, unloading, handling, storage, and conveyance of ammunition, explosives and inflammable substances to which the declaration applies.

(3) (see slip) * *

¹ Substituted by D. C. Dept. notification No. 863-OR/41, dated the 2nd August 1941, for sub-rule (1) which substituted the original sub-rule by D. C. Dept. notification No. 496-OR/40, dated the 20th June 1940.

² Sub-rule (3) of rule 88 omitted by D. C. Dept. notification No. 496-OR/40, dated the 19th April 1941.

¹[83A. (1) If it appears to the Central Government to be necessary or expedient so to do for securing the defence of British India or the efficient prosecution of war, the Central Government may by notified order declare that nothing in any restriction imposed by or under any law for the time being in force shall apply to, or to the driver or person in charge of, any vehicle or class of vehicles which is the property of the Central Government in the Defence Department or which is otherwise in the service of His Majesty for purposes of defence ²[or which is engaged in any such work as may be specified by the Central Government].

Vehicles
belonging to
the Central
Government.

(2) When a declaration has been made under sub-rule (1), the Central Government may by order make such provision as appears to it to be required in the interests of safety for regulating the use of the vehicle or class of vehicles to which, or the qualifications or conduct of the driver or person in charge to whom, the declaration applies.]

89. (1) In this rule—

(a) "vehicle" means any vehicle used, or capable of being used, for the purpose of road transport, whether propelled by mechanical power or otherwise, and whether used for drawing other vehicles or otherwise, and includes a tramcar and a trolley-vehicle;

Control of
*road and
water
transport.]

(b) "animal" means any animal used, or capable of being used, for the transport of persons or goods.

⁴[(c) 'water transport' means transport on inland waterways.] *or tidal waters or along*

(2) Without prejudice to any other provision of these Rules, the Central Government or the Provincial Government may by order—

(a) regulate, restrict or give directions with respect to, the use of any animal or vehicle for the purpose of road transport, or the sale or purchase of any animal or vehicle;

(b) require any person owning, or having in his possession or under his control, any animal or

¹ Inserted by D. C. Dept. notification No. 262-OR/39, dated the 28th September 1940.

² Inserted by D. C. Dept. notification No. 817-OR/41, dated the 7th June 1941.

³ Substituted by D. C. Dept. notification No. 409-OR/40, dated the 12th April 1941, for the words "road transport".

⁴ Inserted by *ibid.*

vehicle to make to any person specified in this behalf a return giving such particulars as may be specified in the order with regard to such animal or vehicle and require such return to be verified in such manner as may be specified in the order;

- (c) require any person owning, or having in his possession or under his control, any animal or vehicle to give notice in such manner as may be specified in the order before disposing thereof or allowing it to pass out of his possession or control;
- (d) require any person owning, ¹[or employed in connexion with], or having in his possession or under his control, any animal or vehicle to comply with any directions given by any person specified in, or duly authorised in pursuance of, the order; and such directions may require the person owning, ¹[or employed in connexion with], or having in his possession or under his control, any animal or vehicle to use such animal or vehicle for the conveyance of such persons or goods at such time and by such routes as may be set forth in the directions;
- (e) prescribe the conditions subject to which; and the rates at which, any animal or vehicle may be hired for the purpose of road transport and persons or goods may be carried by road, and the conditions subject to which goods so carried or to be carried may be discharged or loaded;
- (f) provide for prohibiting or restricting the carriage of persons or goods of any class by road, and for prescribing the radius or distance within which persons or goods of any class may be carried by road;
- ¹[(ff) provide for prohibiting any person or class of persons from travelling by any vehicle or class of vehicles;]
- (g) provide for the giving of directions with respect to the carriage of persons or goods on any particular vehicle, or by any particular route, or to any particular clearing house or dépôt;

¹ Inserted by D. C. Dept. notification No. 409-OR/40, dated the 12th April 1941.

(99) See slip

(h) provide for the regulation of the priority in which persons and goods are to be carried by road and vehicles are to be used for the purpose of road transport;

(i) make such other provisions in relation to road transport as appear to that Government to be necessary or expedient for ¹[securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community]. [see slip]

²[(2)] The provisions of sub-rule (2) shall also apply ⁽³⁾ in relation to water transport and vessels used or capable of being used for the purpose of water transport as they apply in relation to road transport and vehicles.]

(b) If any person contravenes any order made in pursuance of this rule, he shall be punishable with imprisonment for a term which may extend to six months ³[or with fine or with both].

PART XIV.

FINANCIAL PROVISIONS.

90. ⁴[(1) In this rule,—

- (i) the expression "coin" means coin which is legal tender under the Indian Coinage Act, 1906; and
- (ii) the expression "note" means a Reserve Bank of India note, a currency note of the Government of India, or a Government of India one rupee note issued under the Currency Ordinance, 1940.]

(2) No person shall—

- (a) buy or sell, or offer to buy or sell, for an amount other than its face value, any coin or ⁵[note]; or

¹ Substituted by D. C. Dept. notification No. 409-OR/40, dated the 12th April 1941, for the words " the regulation of traffic on highways ".

² Inserted by *ibid*, for the words " road transport ".

³ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words " and shall also be liable to fine ".

⁴ Substituted by D. C. Dept. notification No. 494-OR/40, dated the 31st August 1940, for the original sub-rule (1) as amended by D. C. Dept. notification No. 494-OR/40, dated the 25th July 1940.

⁵ Substituted by *ibid*, for the words " Reserve Bank of India note or currency note of the Government of India ".

(b) accept or offer to accept, in payment of a debt or otherwise, any ^{1*} coin or note for an amount other than its face value

²[; or;

(c) refuse to accept, in payment of a debt or otherwise, any ^{1*} coin or note]

³[; or

(d) acquire coin to an amount in excess of his personal or business requirements for the time being which, in the case of an acquisition of coin from any Currency Office, Treasury, Sub-Treasury or branch of the Imperial Bank of India doing treasury business, shall be determined by the officer in charge of such Currency Office, Treasury, Sub-Treasury or branch whose determination shall be final and shall not be called in question in any legal proceeding.]

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years ⁴[or with fine or with both].

Control
of use, etc.,
of imported
silver.

⁵[90A. (1) The Central Government may, if it is of opinion that it is expedient so to do for the purpose of controlling the price of silver in British India, impose on any person authorised to import silver into British India such conditions as it thinks fit regarding the use or disposal of, or dealings in, silver imported in pursuance of such authorisation.

(2) If any person contravenes any of the conditions imposed under sub-rule (1) he shall, without prejudice to any other action that may be taken against him, be punishable with imprisonment for a term which may extend to five years ⁴[or with fine or with both].

Restriction on
export of
money [and
gold].

⁶[90B. (1) In this rule "money" means any coin ⁷[other than a gold coin], or currency note which is legal tender in British India or elsewhere, and includes

¹ The word "such" omitted by D. C. Dept. notification No. 494-OR/40, dated the 31st August 1940.

² Inserted by D. C. Dept. notification No. 494-OR/40, dated the 10th June 1940.

³ Inserted by D. C. Dept. notification No. 494-OR/40, dated the 25th June 1940.

⁴ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

⁵ Inserted by Finance Dept. notification No. 7773-F., dated the 18th December 1939.

⁶ Inserted by D. C. Dept. notification No. 591-OR/40, dated the 2nd November 1940.

⁷ Inserted by D. C. Dept. notification No. 591-OR/40, dated the 1st March 1941.

bills of exchange; ¹[and "gold" means gold in the form of coin, whether legal tender or not, or bullion or ingot, whether refined or not].

(2) No person shall, except with the permission of the Reserve Bank of India or of a person authorised in this behalf by the said Bank, take or send out of British India to a place or country outside India and Burma money ¹[or gold] in excess of such amount as may be specified in this behalf by the said Bank.

²[(3) The restrictions imposed by sub-rule (2) on the export of money or gold shall be deemed to have been imposed under section 19 of the Sea Customs Act, 1878, and all the provisions of that Act shall have effect accordingly :

Provided that where in respect of any contravention of this rule the Customs-collector is of opinion that the penalties provided by the said Act are inadequate, he may make a complaint to a magistrate having jurisdiction; and the accused person shall, upon conviction, be punishable with imprisonment for a term which may extend to five years or with fine or with both, and the money or gold in respect of which the offence has been committed shall be confiscated to the Central Government and delivered to the Customs-collector for disposal.]

91. (1) For the purposes of this rule and of rule 92 the expression "foreign exchange" means—

Restriction
on purchases
of foreign
exchange.

- (a) any currency other than currency which is legal tender in British India or Burma,
- (b) any bill or promissory note, payable otherwise than in rupees, and
- (c) any credit or balance otherwise than in rupees.

(2) No person resident in British India shall acquire any foreign exchange, or transfer rupees, gold coin or bullion, or securities with a view, directly or indirectly, to the acquisition of any foreign exchange.

(3) No person shall buy or borrow from, or sell or lend to, any person not authorised by the ³[Reserve Bank of India] in this behalf, any foreign exchange, ⁴[other than gold sovereign].

¹ Inserted by D. C. Dept. notification No. 591-OR/40, dated the 1st March 1941.

² Substituted by D. C. Dept. notification No. 880-OR/41, dated the 14th June 1941, for the original sub-rules (3), (4), (5), (6) and (7) of rule 90 B, as amended by D. C. Dept. notifications Nos. 701-OR/41, and 591-OR/40, dated the 15th February and 1st March 1941, respectively.

³ Substituted by Finance Department notification No. 123-S. R. B., dated the 4th September 1939, for the words "Central Government".

⁴ Substituted by D. C. Dept. notification No. 634-OR/41, dated the 4th January 1941, for the words "gold coin or bullion".

(4) The provisions of this rule shall not restrict the doing of anything, within the scope of his authority, by a person authorised ¹[by the Reserve Bank of India] to deal in foreign exchange, and shall not restrict the doing of anything which is authorised ¹[by the Reserve Bank of India] to be necessary for the purposes—

- (a) of meeting the reasonable requirements of a trade or business carried on in India, or
- (b) of performing a contract made before the 3rd September 1939, or
- (c) of defraying reasonable travelling or other personal expenses.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term, which may extend to five years, ²[or with fine or with both].

Acquisition
by the
Central
Government
of foreign
exchange.

92. ³[(1) The Central Government may by notified order direct the owners of any such foreign exchange as is specified in the order to make a return to the Reserve Bank of India within such period, and giving such particulars as to the foreign exchange, as may be specified in the order.]

⁴[(2)] On the issue of a notification by the Central Government in this behalf, every person who owns any such foreign exchange as may be specified in that notification shall offer it, or cause it to be offered, for sale to the Reserve Bank of India on behalf of the Central Government at such price as the Central Government may from time to time fix :

Provided that—

- (a) any person may be exempted from the operation of this rule by order of the Central Government, and
- (b) any person, who satisfies the Reserve Bank of India that he requires the foreign exchange in question for any of the purposes specified in sub-rule (4) of rule 91 shall be exempt from the operation of this rule.

¹ Substituted by Finance Department notification No. 123-S.R.B., dated the 4th September 1939, for the words "by or on behalf of the Central Government".

² Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

³ Inserted by *ibid*, No. 510-OR/40, dated the 29th June 1940.

⁴ Original sub-rule (1) re-numbered as sub-rule (2) by *ibid*.

¹[(3)] If any person contravenes the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years ²[or with fine or with both]. [or any order made thereunder]

³[92A. (1) For the purposes of this rule,—

Restrictions on payments, etc.

- (i) "sterling area" means His Majesty's dominions, excluding Canada, Newfoundland and Hong-kong, the British protectorates and protected States, and such other territories as may be declared by the Reserve Bank of India to be included for the time being in the sterling area;
- (ii) "security" includes shares, stock bonds, debentures, debenture stock, deposit receipts in respect of the deposit of securities, units or sub-units of a unit trust, coupons representing dividends or interest, and life or endowment assurance policies, but does not include bills of exchange and promissory notes;
- (iii) "transfer" includes, in relation to any security, transfer by way of loan or security.

(2) Subject to any exemptions which may be granted by the Reserve Bank of India, no person resident in British India shall, except with the permission of the Reserve Bank of India,—

- (a) draw, issue or negotiate any bill of exchange or promissory note, or acknowledge any debt, so that a right (whether actual or contingent) to receive a payment in India is created or transferred in favour of a person who is resident outside the sterling area; ~~or~~

- (b) make any payment to, or by the order or on behalf of, any such person.

see slip
(3) Subject to any exemptions which may be granted by the Reserve Bank of India, no person resident in British India shall, except with the permission of the Reserve Bank of India,—

- (a) draw, issue or negotiate any bill of exchange or promissory note, transfer any security or acknowledge any debt, so that a right (whether actual or contingent) to receive a payment in India is created or transferred in

¹ Original sub-rule (2) re-numbered as sub-rule (3) by D. C. Department notification No. 510-OR/40, dated the 29th June 1940.

² Substituted by *ibid.* No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

³ Rules 92A and 92B inserted by *ibid.* No. 931-OR/41, dated the 12th July 1941.

favour of a person not resident outside the sterling area as consideration for, or in association with,—

- (i) the receipt by any person of a payment, or the acquisition by any person of property, outside the sterling area, or
- (ii) the creation or transfer, in favour of any person of a right (whether actual or contingent) to receive a payment, or acquire property, outside the sterling area; or
- (b) make any payment to a person not resident outside the sterling area as such consideration or in such association as aforesaid.

(3A) *See clp*

(4) Where an individual has at any time since the third day of September 1939 ~~resided~~ in British India,

- (a) until the Reserve Bank of India otherwise direct he shall be treated for the purposes of this rule and of any order providing for exemptions from any of the provisions thereof, as having been, and as still being resident in British India and not resident outside the sterling area, and
- (b) if any such direction is given, the Reserve Bank of India may, by the same or a subsequent direction, declare the territory in which, for those purposes, he is to be treated as being resident.

(5) In the case of any persons to whom sub-rule (4) does not apply, the Reserve Bank of India may give directions declaring the territories in which, for the purposes of this rule and of any order providing for exemptions from any of the provisions thereof, they are to be treated as being resident.

Sub-rule 3(a),

(6) Any direction given under sub-rule (4) or sub-rule (5) may be either general or special, and may be revoked or varied by a subsequent direction thereunder.

(7) If any person contravenes the provisions of this rule he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

(8) Nothing in this rule shall restrict the doing by a person authorised by or on behalf of the Reserve Bank of India of anything within the scope of his authority.

92B. (1) For the purpose of this rule,—

Blocked
accounts.

- (i) the expression "blocked account" means an account blocked by an order of the Reserve Bank of India, or an account opened as a blocked account, at an office or branch in British India of a bank authorised by the Reserve Bank of India to open blocked accounts; and
- (ii) the expression "the banker" means, in relation to any person, a banker who opens or keeps a blocked account in favour of that person.

(2) Where permission is granted by the Reserve Bank of India for the payment of any sum to any person resident outside the sterling area, but the permission is granted subject to the condition that the payment is made to a blocked account,—

(a) the manner in which the payment may be made shall be either—

(i) to the banker with a direction that it is to be credited to a blocked account of that person [which direction may, in the case of a payment by means of a cheque or warrant, be made by marking the cheque or warrant with the words 'blocked account of' (naming the person in question) or words to the same effect]; or

(ii) by a crossed cheque or warrant drawn in favour of that person, marked with the words, 'payable only to blocked account of payee' or words to the same effect;

(b) the sum collected shall be credited by the banker to a blocked account of that person; and

(c) the crediting of that sum to that account shall, to the extent of the sum credited, be a good discharge to the person making the payment.

(3) Subject to any exemptions which may be granted by order of the Reserve Bank of India, any sum standing to the credit of a blocked account shall not be dealt with except and in accordance with permission granted by the Reserve Bank of India.]

¹[92C. (1) If the Central Government is of opinion that it is necessary or expedient so to do for securing the defence of British India or the efficient prosecution of

Power to
prohibit action
on certain
orders as to
gold, etc.

¹ Inserted by D. C. Dept. notification No. 958-OR/41, dated the 28th July 1941.

war, the Central Government may give general or special directions prohibiting, either absolutely or to such extent as may be specified in the directions, the carrying out of any order given by or on behalf of—

(a) any State which may be specified in the directions, the Sovereign thereof, or any person resident therein, or

(b) any body corporate which is incorporated under the laws of that State or is under the control of that State or the Sovereign thereof or any person resident therein,

in so far as the order—

(i) requires the person to whom the order is given to make any payment or to part with any gold or securities, or

(ii) requires any change to be made in the persons to whose credit any sum is to stand or to whose order any gold or securities are to be held.

(2) If any person contravenes any direction given under this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.] *See slip.*

93. (1) For the purposes of this rule and rule 94—

(i) the expression "securities" includes shares, stock, bonds, debentures and debenture stock but does not include bills of exchange, and

(ii) the expression "export", in relation to securities, includes the transfer thereof from a register in India to a register outside India or Burma.

(2) No person shall, except with the permission of the ¹[Reserve Bank of India] or in the performance of a contract made before the 3rd September 1939 acquire any securities from a person not resident in India or Burma.

(3) No person shall, except with the permission of the ¹[Reserve Bank of India], export securities to any place outside India or Burma.

(4) If any person contravenes the provisions of this rule, he shall be punishable with imprisonment for a term, which may extend to five years, ²[or with fine or with both]. *(See slip)*

94. (1) For the purposes of this rule—

(i) "foreign security" means a security issued in any country other than India or Burma;

¹ Substituted by Finance Department notification No. 123-S.R.B., dated the 4th September 1939, for the words "Central Government";

² Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine."

Requirements as to payment for goods exported to certain territories.

2 D
Restriction on purchases and export of securities.

93 A
Acquisition by the Central Government of foreign securities.

- (ii) "owner", in relation to any security, includes any person who has power to sell or transfer a security, or who has the custody thereof, or who receives, whether on his own behalf or on behalf of any other person, dividends or interest thereon, or who has any interest therein.

(2) The Central Government may, by notified order, direct the owners of any foreign securities specified in the ¹[order] to make a return to the Reserve Bank of India, within such period as giving such particulars as to those securities, as may be specified in the order.

(3) The Central Government may, if it is of the opinion that it is expedient so to do for the purpose of strengthening its financial position, ²[by notified order transfer to itself any foreign securities], specified in the order at a price so specified being a price which, in the opinion of the Central Government, is not less than the market value of the securities on the date of the order.

(4) On the making of an order under sub-rule (3)—

- (a) the securities to which the order relates shall forthwith vest in the Central Government free from any mortgage, pledge or charge, and the Central Government may deal with them in such manner as it thinks fit;
- (b) the owner of any of the securities to which the order relates and any person who is responsible for keeping any registers or books in which any of those securities are registered or inscribed, or who is otherwise concerned with the registration or inscription of any of those securities, shall do all such things as are necessary, or as the Central Government or the Reserve Bank of India, on behalf of the Central Government, may order to be done, for the purpose of securing that the securities and any documents of title relating thereto are delivered to the Central Government and, in the case of registered and inscribed securities, that the securities are registered or inscribed in the name of the Central Government.

¹ Substituted by D. C. Dept. notification No. 664-OR/41, dated the 25th January 1941, for the word "notification".

² Substituted by *ibid*, for the words "by order transfer to itself any such foreign securities as aforesaid".

(5) A certificate signed by any person authorised in this behalf by the Central Government that any specified securities are securities transferred to the Central Government under this rule, shall be treated by all persons concerned as conclusive evidence that the securities have been so transferred.

(6) The provisions of this rule shall not apply to any security in respect of which the Central Government is satisfied that at all times since the 3rd September 1939, all persons interested in the security, other than persons interested therein merely as trustees or merely by virtue of any mortgage, pledge or charge, but including any persons beneficially interested therein under the trust, were not resident in British India.

(7) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

Banks to satisfy themselves that provisions are not contravened.

95. Before making any payment or transfer of funds at the request of any person, a bank shall require any declarations and information which may be reasonably necessary to satisfy it that the payment or transfer will not involve, and is not with a view to, the contravention of any of the provisions of these Rules by that or any other person.

Compensations.

96. (1) Whenever in pursuance of any of rules 49, 66, 72, 76, 78, ²[79 and 80], any property is removed, destroyed, rendered useless, ³[used, requisitioned or acquired] by, or otherwise placed at the disposal or under the control of, the Central Government or a Provincial Government ⁴[and the circumstances are not such as to render the provisions of ⁵[section 19 of the Defence of India Act, 1939,] applicable], the owner of such property shall be paid such compensation for any loss he may have sustained as a result of such removal, destruction, rendering useless, use, requisitioning, ⁶[acquisition] disposal or control, as may be fixed in accordance with the provisions of this rule.

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

² Substituted by *ibid*, No. 734-OR/41, dated the 9th August 1941 for the figures, word and brackets "79, 80 and 81 (3)".

³ Substituted by *ibid*, No. 900-SM/41, dated the 11th October 1941, for the words "used or requisitioned".

⁴ Inserted by *ibid*, No. 209-OR/39, dated the 6th October 1939.

⁵ Substituted by *ibid*, No. 261-OR/39, dated the 14th November 1939, for the words and figures "section 18 of the Ordinance".

⁶ Inserted by *ibid*, No. 900-SM/41, dated the 11th October 1941.

(2) ¹[In default of agreement between Government and the owner of the property, the Central Government] or the Provincial Government, as the case may be, shall by general or special order specify the authority or person through which or whom any claim for compensation under ²[sub-rule (1)] shall be submitted and the authority or person by which or whom any such claim shall be adjudged and awarded.

(3) The Central Government or the Provincial Government, as the case may be, may further by general or special order prescribe the conditions to which the authority or person responsible for adjudging or awarding claims for compensation shall have regard when determining the amount of compensation payable, and may give such supplementary orders as to the assessment and payment of compensation as may appear to it to be necessary or expedient.

PART XV.

CONTROL OF TRADING WITH ENEMY.

97. For the purposes of this Part the expression ^{Definition.} "enemy" means—

- (a) any State, or Sovereign of a State, at war with His Majesty, or
- (b) any individual resident in enemy territory, or
- (c) any body of persons constituted or incorporated ³[in enemy territory, or in, or under the laws of, a State at war with His Majesty], or
- (d) any other person or body of persons declared by the Central Government to be an enemy, or
- (e) any body of persons (whether corporate or unincorporate) carrying on business in any place, if and so long as the body is controlled by a person who, under this rule, is an enemy.

⁴[or

- (f) as respects any business carried on in enemy territory, any individual or body of persons (whether corporate or incorporate) carrying on that business.]

¹ Substituted by D. C. Dept. notification No. 209-OR/39, dated the 4th November 1939, for the words "The Central Government".

² Substituted by *ibid*, for the words "the preceding sub-rules".

³ Substituted by *ibid*, No. 408-OR/40, dated the 23rd April 1940, for the words "in, or under the laws of, a State at war with His Majesty".

⁴ Inserted by *ibid*, No. 795-OR/41, dated the 31st May 1941.

expedient so to do, it may by order direct that the business of any person (hereinafter referred to as the suspected person) shall be subject to supervision; and, thereupon a Controller of Enemy Trading and any person authorised by a Controller in this behalf shall have in relation to that business—

- (a) all the powers mentioned in rule 100A.
- (b) the power to prohibit or regulate by means of written instructions to the suspected person or his agents or employees any transactions or class of transactions of that person, and
- (c) such other powers as may from time to time be conferred on him by the Central Government.

Penalty for failure to comply with orders of Controllers, etc.

101A. If any person contravenes any order lawfully given by any Controller, Deputy Controller, or Inspector, of Enemy Trading, or any person authorised by a Controller under rule 101, that person shall be punishable with imprisonment for a term which may extend to six months ¹[or with fine or with both].

Penalty for concealment, destruction, etc., of books or documents.

102. If any person with intent to evade the provisions of this Part conceals, destroys, mutilates, or defaces any book or other document, that person shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

PART XVI.

CONTROL OF ENEMY FIRMS.

Definitions.

103. In this Part—

"Enemy subject."

(1) "enemy subject" means—

- (a) any individual who possesses the nationality of a State at war with His Majesty, or having possessed such nationality at any time has lost it without acquiring another nationality, or
- (b) any body of persons constituted or incorporated in or under the laws of such State;

"Enemy firm."

(2) "enemy firm" means—

- (a) any enemy subject who is, or at any time subsequent to the 2nd September 1939, was carrying on any business in British India, or

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

(b) any firm, whether constituted in British India or not, of which any member or officer is, or at any time subsequent to the 2nd September 1939, was an enemy subject, and which is, or at any time subsequent to the 2nd September 1939, was carrying on business in British India, or

(c) any company, whether incorporated in British India or not, of which any officer is, or at any time subsequent to the 2nd September 1939, was an enemy subject, and which is, or at any time subsequent to the 2nd September 1939, was carrying on business in British India, or

(d) any person or body of persons, whether incorporated, or not, who or which in the opinion of the Central Government is, or at any time subsequent to the 2nd September 1939, was carrying on business in British India—

(i) under the control whether direct or indirect of any enemy subject, or

(ii) wholly or mainly for the benefit of enemy subjects generally or any class of enemy subjects or any individual enemy subject :

¹[Provided that in relation to subjects of a State which became, or becomes, a State at war with His Majesty later than the 3rd September 1939, all references to the 2nd September 1939 in the above definition shall be read as referring to the date immediately preceding the date on which the said State became, or becomes, a State at war with His Majesty ;]

(3) "enemy currency" means any such note or coins as circulate as currency in any enemy territory or any such other notes or coins as are for the time being declared by an order of the Central Government to be enemy currency; ^{"Enemy currency."}

(4) "enemy property" means any property for the time being belonging to or held or managed on behalf of an ^{"Enemy property."} ²[enemy as defined in rule 97, an enemy subject] or an enemy firm ;

¹ Inserted by D. C. Dept. notification No. 498-OR/40, dated the 27th July 1940.

² Substituted by *ibid*, No. 485-OR/40. dated the 1st June 1940, for the words " enemy subject ".

"Securities."

- (5) "securities" includes shares, stock, bonds, debentures and debenture stock, but does not include bills of exchange.

Prohibition
of trade with
enemy firms
and purchase
of enemy
currency.

1C1. (1) No person shall, directly or indirectly—

- (a) advance money to, or enter into any contract with, an enemy firm; or
- (b) pay any sum of money to, or for the benefit of, an enemy firm; or
- (c) give any security for the payment of any debt or any other sum of money for the benefit of an enemy firm; or
- (d) act on behalf of an enemy firm in drawing, accepting, paying, presenting, or acceptance or payment, negotiating or otherwise dealing with, any negotiable instrument; or
- (e) accept, pay, or otherwise deal with, any negotiable instrument which is held by, or on behalf of, an enemy firm; or
- (f) enter into any new transaction, or complete any transaction already entered into, with an enemy firm in respect of any stocks, shares or other securities; or
- (g) make or enter into any new policy or contract of insurance (including re-insurance) or accept or give effect to any insurance of any risk arising under a policy or contract of insurance (including re-insurance) made or entered into with, or for the benefit of, an enemy firm; or
- (h) supply to, or for the use or benefit of, or obtain from, an enemy firm, any goods, wares or merchandise, or trade in or carry any goods, wares or merchandise destined for an enemy firm; or

1 * * *

²[(i)] enter into any other commercial or financial obligation or contract with, or for the benefit of, an enemy firm.

(2) In any proceeding arising out of a contravention of ³[clause (e)] of sub-rule (1) it shall be a defence for the accused to prove that at the date of the contravention he had no reasonable ground for believing that the negotiable instrument was held by or on behalf of an enemy firm.

¹ Clause (i) omitted by D. C. Dept. notification No. 566-OR/40, dated the 14th September 1940.

² Clause (j) re-lettered as clause (i) by *ibid.*

³ Substituted by *ibid.* for the word, letter and brackets "clause (f)".

¹[(2A) No person shall, directly or indirectly, purchase enemy currency.]

(3) Nothing in this rule shall be deemed to prohibit anything expressly permitted by or under the authority of His Majesty or the Central Government.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to seven years ²[or with fine or with both].

105. The Central Government may, either generally or for any particular area, appoint one or more ³[Controllers], Deputy Controllers and Inspectors, of Enemy Firms, for securing compliance with the provisions of this part, and may, by general or special order, provide for the distribution and allocation of the work to be performed by them under these Rules.

Power to appoint Controllers, etc., of enemy firms.

106. If a Controller, Deputy Controller or Inspector, of Enemy Firms has reasonable cause to believe that an offence punishable under rule 104 has been, or is likely to be, committed, he may—

Powers of Controllers, etc., of enemy firms.

(a) inspect or cause to be inspected any books or documents belonging to, or under the control of, any person,

(b) order any person to give such information in his possession with respect to any business carried on by that or any other person as the Controller, Deputy Controller or Inspector, as the case may be, may demand,

and for the purposes aforesaid, may

(i) enter on any premises used for the purposes of the business,

(ii) summon any person, examine him on oath, reduce his answers to writing and require him to sign the writing,

(iii) if any person so summoned fails to appear at the time appointed, cause him to be apprehended by a police officer and brought before him for examination.

¹ Inserted by D. C. Dept. notification No. 566-OR/40, dated the 14th September 1940.

² Substituted by *ibid*, No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

³ Substituted by *ibid*, No. 361-OR/40, dated the 4th March 1940, for the word "Controller".

Supervision
of suspected
business.

¹[107. If it appears to a Controller of Enemy Firms that it is expedient for securing compliance with the provisions of this Part that any business should be subject to supervision, he may by order in writing direct that the business shall be subject to supervision, and thereupon any Controller, Deputy Controller or Inspector of Enemy Firms may for the purposes of such supervision exercise all or any of the powers mentioned in rule 106, and such other powers as may from time to time be conferred on him by the Central Government.

Supervision
of firms
suspected to
be enemy
firms.

107A. (1) If it appears to a Controller of Enemy Firms that it is expedient for securing compliance with the provisions of this Part that the business of a person or body of persons suspected by him to be an enemy firm should be subject to supervision, he may, pending a decision by the Central Government in the matter, by order in writing direct that the business shall be subject to supervision for a period which shall not, without the previous sanction of the Central Government, exceed one month; and, thereupon, any Controller, Deputy Controller or Inspector of Enemy Firms may—

- (a) exercise, for the purposes of such supervision, all or any of the powers mentioned in rule- 106;
- (b) by order in writing cancel any transaction of the firm which, in his opinion, is injurious to the public interest or is intended to evade the provisions of this Part;
- (c) authorise the business of the firm to be carried on under such management as may be approved by him or subject to such conditions as he may deem fit to impose;
- (d) himself carry on the business of the firm, if, in his opinion, no suitable management is available.

(2) Where a business is subjected to supervision under sub-rule (1), the Central Government may direct the Controller to recover from the assets of the firm concerned such fee, not exceeding the cost of supervision, as the Central Government may deem fit to impose.]

Penalty for
failure to
comply with
orders of
Controller, etc.

108. If any person contravenes any order lawfully given by any Controller, Deputy Controller, or Inspector, of Enemy Firms, that person shall be punishable with imprisonment for a term which may extend to six months ²[or with fine or with both].

¹ Rules 107 and 107-A, substituted by D. C. Dept. notification, No. 541-OR/40, dated the 10th August 1940 for the original rule 107.

² Substitute by *ibid*, No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

109. If any person with intent to evade the provisions of this Part conceals, destroys, mutilates or defaces any book or other document which a Controller, Deputy Controller, or Inspector, of Enemy Firms is empowered under rule 106 or rule 107 to inspect, that person shall be punishable with imprisonment for a term which may extend to five years ¹[or with fine or with both].

Penalty for concealment, destruction, etc., of books or documents.

110. Where it appears to the Central Government that a contract ²[entered into, whether before or after the commencement of the Ordinance, with a person or body of persons who at the time of such contract was, or subsequent to such contract became, an enemy as defined in rule 97 or an enemy subject or an enemy firm], is injurious to the public interest, or was entered into with a view to evade the provisions of this Part, the Central Government may by order cancel or determine such contract either unconditionally or upon such conditions as it thinks fit.

Contracts with enemy firms.

111. (1) Where it appears to the Central Government that a transfer of property moveable or immovable ³[made, whether before or after the commencement of the Ordinance, to or by a person or body of persons who at the time of such transfer was, or subsequent to such transfer became, an enemy as defined in rule 97 or an enemy subject or an enemy firm], is injurious to the public interest or was made with a view to evade the provisions of this Part, the Central Government may, by order, declare such transfer, and any subsequent transfer or sub-transfer of the same property or part thereof, to be void, either in whole or in part, or may impose such conditions on the transferee as it thinks fit.

Transfer of property to or by enemy firms.

(2) On the making of an order under sub-rule (1) declaring any transfer, subsequent transfer or sub-transfer of any property to be void, that property shall, with effect from the date of the order, be deemed to be re-vested in the original transferor.

112. (1) If any securities are transferred by, or allotted or transferred to, an enemy firm, then, except with the sanction of the Central Government, the transferee

Transfer and allotment of securities to or by enemy firms.

¹ Substituted by D. C. Dept., notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

² Substituted by *ibid* No. 765-OR/41, dated the 17th May 1941, for the words "entered into with an enemy firm, whether before or after the commencement of the Ordinance".

³ Substituted by *ibid* No. 765-OR/41, dated the 5th April 1941, for the words "made to, or by, an enemy firm, whether before or after the commencement of the ordinance".

or allottee shall not by virtue of the transfer or allotment have any rights or remedies in respect of the securities; and no body corporate by which the securities were issued, or are managed, shall take cognisance of, or otherwise act upon, any such transfer except under the written authority of the Central Government.

(2) No share warrants, stock certificates or bonds shall be issued, payable to bearer, in respect of securities registered or inscribed in the name of an enemy firm or of a person acting on behalf, or for the benefit, of an enemy firm.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to six months ¹[or with fine or with both].

Transfer of negotiable instruments and actionable claims by enemy firms.

113. (1) No transfer of a negotiable instrument or an actionable claim by or on behalf of an enemy firm nor any subsequent transfer thereof shall, except with the sanction of the Central Government, be effective so as to confer any rights or remedies in respect of the negotiable instrument or, as the case may be, the actionable claim.

(2) If any person by payment or otherwise purports to discharge any liability from which he is relieved by sub-rule (1), knowing the facts by virtue of which he is so relieved, he shall be punishable with imprisonment for a term which may extend to six months ¹[or with fine or with both] :

Provided that in any proceedings in pursuance of this sub-rule it shall be a defence for the accused to prove that at the time when he purported to discharge the liability in question he had reasonable grounds for believing that the liability was enforceable against him by order of a competent court, not being a court in India or in a State at war with His Majesty, and would be enforced against him by such an order.

(3) Where a claim in respect of a negotiable instrument or an actionable claim is made against any person who has reasonable cause to believe that, if he satisfied the claim, he would thereby be committing an offence punishable under sub-rule (2), that person may pay into a competent civil court any sum which but for the provisions of sub-rule (1) would be due in respect of the claim and thereupon the payment shall for all purposes be a good discharge to that person.

¹ Substituted by D. C. Dept. notification No. 701-OR-41, dated the 15th February 1941, for the words "and shall also be liable to fine".

¹[113A. (1) Where it appears to the Central Government that the control or management of an enemy firm has been, or is likely to be, so affected by the state of war as to prejudice the effective continuance of its trade or business, and that it is in the public interest that the trade or business should continue to be carried on, the Central Government may by order authorise a person to carry on the trade or business in such manner and to such extent as may be prescribed.

Power to
carry on-
business of
enemy firm.

(2) While a person authorised under sub-rule (1) is carrying on the trade or business of an enemy firm,--

- (a) such person shall be deemed to be acting as the agent of the firm ²[and, subject only to such restrictions as the Central Government may impose, shall have in relation to the management of the affairs of the firm all such powers and authority as the firm itself would have if it were not an enemy firm] ³[, provided that any person having any commercial, financial or other intercourse or dealings with such person while so acting, shall not, merely by reason of such intercourse or dealings, be deemed to have contravened the provisions of rule 98 or rule 104.]
- (b) such person shall be entitled to the management of the affairs of the firm to the exclusion of any other person acting or purporting to act on behalf of the firm, and for the purposes of such management shall be entitled to employ such staff or other agency as he thinks fit;
- (c) such person shall not, in respect of such matters relating to the said management as may be specified by order of the Central Government, be bound by any obligation or limitation imposed on him as agent of the firm by or under any law, instrument or contract;
- (d) such person shall be entitled to retain out of the assets of the firm all costs, charges and expenses of, or incidental to, the said management, and such remuneration as may be prescribed; and
- (e) the firm shall not have the right to control the carrying on of the trade or business.

¹ Inserted by D. C. Dept. notification No. 288-OR/39, dated the 25th November 1939.

² Inserted by *ibid* No. 569-OR/40, dated the 21st September 1940.

³ Inserted by *ibid* No. 288-OR/39, dated the 5th January 1940.

(3) No person authorised under sub-rule (1) to carry on the trade or business of an enemy firm shall be personally liable for acts done by him in good faith in the course of management of such trade or business.]

¹[(4) The provisions of this rule shall apply also in relation to a body of persons, whether incorporate or unincorporate, which is an enemy as defined in rule 97 and which is or at any time subsequent to the 2nd September 1939, was, carrying on business in British India, as they apply in relation to an enemy firm.]

Collection of
debts of
enemy firms
and custody
of property.

114. (1) With a view to preventing the payment of moneys to an enemy firm ²[* * *¹], and preserving enemy property in contemplation of arrangements to be made at the conclusion of peace, the Central Government may appoint ³[a Custodian of Enemy Property for British India and one or more Deputy Custodians and Assistant Custodians of Enemy Property for such local areas as may be prescribed] and may by order—

- (a) require the payment to the prescribed custodian of money which would but for these rules be payable to or for the benefit of an enemy firm [* * *²]; or which would but for the provisions of rule 110 and rule 113 be payable to any other person;
- (b) vest, or provide for and regulate the vesting, in the prescribed custodian such enemy property as may be prescribed;
- (c) vest in the prescribed custodian the right to transfer such other enemy property as may be prescribed, being enemy property which has not been, and is not required by the order to be, vested in the custodian;
- (d) confer and impose on the '[custodian] and on any other person such rights, powers, duties and liabilities as may be prescribed as respects—
 - (i) property which has been, or is required to be, vested in a custodian by or under the order,

¹ Inserted by D. C. Dept. notification No. 569-OR/40, dated the 21st September 1940.

² The words "or a person who is an enemy as defined in rule 97" which were inserted by D. C. Dept., notification No. 485-OR-40, dated the 1st June 1940 were omitted by D. C. Dept. notification No. 845-OR-41, dated the 7th June 1941.

³ Substituted by D. C. Dept. notification No. 241-OR/39, dated the 3rd October 1939 for the words "one or more Custodians of Enemy Property".

⁴ Substituted by *ibid* the 3rd October 1939 for the word "Custodians".

- (ii) property of which the right of transfer has been, or is required to be, so vested,
 - (iii) any other enemy property which has not been, and is not required to be, so vested,
 - (iv) money which has been, or is by the order required to be, paid to a custodian ;
 - (e) require the payment of the prescribed fees to the ¹[custodian] in respect of such matters as may be prescribed and regulate the collection of and accounting for such fees ;
 - (f) require any person to furnish to the custodian such returns, accounts and other information and to produce such documents, as the custodian considers necessary for the discharge of his functions under the order ;
- and any such order may contain such incidental and supplementary provisions as appear to the Central Government to be necessary or expedient for the purposes of the order.

(2) Where any order with respect to any money or property is addressed to any person by a custodian and accompanied by a certificate of the custodian that the money or property is money or property to which an order under sub-rule (1) applies, the certificate shall be evidence of the facts stated therein, and if that person complies with the order of the custodian, he shall not be liable to any suit or other legal proceeding by reason only of such compliance.

(3) Where, in pursuance of an order made under sub-rule (1)—

- (a) any money is paid to a custodian, or
- (b) any property, or the right to transfer any property, is vested in a custodian, or
- (c) an order is given to any person by a custodian in relation to any property which appears to the custodian to be property to which the order under sub-rule (1) applies,

neither the payment, vesting nor order of the custodian nor any proceedings in consequence thereof, shall be invalidated or affected by reason only that at a material time—

- (i) some person who was or might have been interested in the money or property, and who was an enemy firm, had died or had ceased to be an enemy firm, or

¹ Substituted by D. C. Dept. notification No. 241-OR/40, dated the 3rd October 1939, for the word "custodians."

Provided that the provisions of this sub-rule shall, in their application to the distribution of any money or other property which would, in accordance with those provisions, fall to be paid or transferred to an enemy, whether as a creditor or otherwise, have effect subject to the provisions of rule 114 and of any order made under that rule.

(5) Where any business for which a Supervisor has been appointed under this rule has assets in enemy territory, the Supervisor shall, if in his opinion it is practicable so to do, cause an estimate to be prepared—

(a) of the value of those assets;

(b) of the amount of any liabilities of the business to creditors, whether secured or unsecured, who are enemies;

(c) of the amount of the claims of persons who are enemies to participate, otherwise than as creditors of the business, in any distribution of assets of the business made while an order under sub-rule (2) is in force as respects the business

and, where such an estimate is made, the said liabilities and claims shall, for the purposes of this rule, be deemed to have been satisfied out of the said assets of the business in enemy territory, or to have been satisfied there-out so far as those assets will go, and only the balance (if any) shall rank for satisfaction out of the other assets of the business.

(6) Where an estimate has been prepared under sub-rule (5), a certificate of the supervisor as to the value or amount of any assets, claims or liabilities to which the estimate relates shall be conclusive for the purpose of determining the amount of the assets of the business available for discharging the other liabilities of the business and for distribution amongst other persons claiming to be interested in the business :

Provided that nothing in this sub-rule shall affect the rights of creditors of, and other persons interested in, the business against the assets of the business in enemy territory.

(7) The Central Government may, on an application made by a Supervisor appointed under this rule, after considering the application and any objections which may be made by any person who appears to the Central Government to be interested, by order grant the Supervisor a release, and an order of the Central Government under this sub-rule shall discharge the Supervisor from

all liability in respect of any act done or default made by him in the exercise and performance of his powers and duties as Supervisor, but any such order may be revoked by the Central Government on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(8) Where an order under sub-rule (2) has been made as respects a business carried on by any individuals or by a company, no insolvency petition against the individuals, or petition for the winding up of the company, shall be presented, or resolution for the winding up of the company passed, or steps for the enforcement of the rights of any creditors of the individuals or company taken, without the consent of the Central Government, but where the business is carried on by a company, the Central Government may present a petition for the winding up of the company by the court, and the making of an order under sub-rule (2) shall be a ground on which the company may be wound up by the court.

(9) Where an order is made under this rule appointing a Supervisor, for any business, any remuneration of, and any costs, charges and expenses incurred by, the Supervisor, and any other costs, charges and expenses incurred in connection with the control and supervision of the carrying out of the order, shall, to such amount as may be certified by the Central Government, be defrayed out of the assets of the business, and as from the date of the certificate, be charged on those assets in priority to any other charges thereon.

(10) If any person contravenes the provisions of any order made under sub-rule (2), he shall be punishable with imprisonment for a term which may extend to 5 years or with fine or both.]

PART XVII.

MISCELLANEOUS PROVISIONS.

115. (1) If any person finds any article as to which he has reasonable cause to believe that it has been lost or abandoned, and that, prior to its loss or abandonment, it was used or intended to be used for the purposes of any armed force or was in the possession of a person who was serving with an armed force, the person so finding the article—

Derelict articles.

- (a) shall report the nature and situation thereof, or, if the article is a document, cause it to be delivered, to some member of His Majesty's forces on duty in the neighbourhood or to the officer in charge of a police station in the

neighbourhood; or if the article is found outside British India, shall take such steps as are practicable to secure that the nature and situation thereof are reported, or, if the article is a document, that it is delivered as soon as may be, to some person in His Majesty's service; and

(b) shall not, save as aforesaid, remove or tamper with the article except with the permission of the Central Government.

(2) The Central Government may by notified order direct that the obligations and restrictions imposed by sub-rule (1) shall not apply in relation to any such description of articles as may be specified therein or as may be specified by a prescribed authority or person.

(3) If any person contravenes any of the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to six months ¹[or with fine or with both].

Power to
obtain
information.

116. (1) Without prejudice to any special provisions contained in these Rules, the Central Government or the Provincial Government may by order require any person to furnish or produce to any specified authority or person any such information or article in his possession as may be specified in the order, being information or an article which that Government considers it necessary or expedient in the interests of the defence of British India, the efficient prosecution of the war or the public safety or interest to obtain or examine.

(2) If any person fails to furnish or produce any information or article in compliance with an order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years ¹[or with fine or with both].

False
statements.

117. If any person—

(i) when required by or under any of these Rules to make any statement or furnish any information, makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false, or not true, in any material particular, or

(ii) makes any such statement as aforesaid in any account, declaration, estimate, return or other document which he is required by or under any of these Rules to furnish,

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

he shall be punishable with imprisonment for a term which may extend to three-years ¹[or with fine or with both].

²[117A. (1) Where any person is required by or under any of these Rules to make any statement or furnish any information to any authority, that authority may by order, with a view to verifying the statement made or the information furnished by such person, further require him to produce any books, accounts or other documents relating thereto which may be in his possession or under his control.

Power to require production of books, etc.

(2) If any person fails to produce any books, accounts or other documents in compliance with an order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years ¹[or with fine or with both].

118. (1) No person who obtains any information by virtue of these Rules shall, otherwise than in connexion with the execution of the provisions of these Rules or of any order made in pursuance thereof, disclose that information to any other person except with permission granted by or on behalf of Government.

Prohibition against disclosing information.

(2) If any person contravenes the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to two years ¹[or with fine or with both].

119. (1) Save as otherwise expressly provided in these Rules, every authority, officer or person who makes any order in pursuance of any of these Rules ³[shall, in the case of an order of a general nature or affecting a class of persons, publish], notice of such order in such manner as may, in the opinion of such authority, officer or person, be best adapted for informing persons whom the order concerns ⁴[and in the case of an order affecting an individual person serve or cause the order to be served on that person in such manner as such authority, officer or person thinks fit].

Publication, affixation and defacement of notices.

(2) Any police officer and any other person acting on behalf of Government may affix to, or cause to be displayed on, any premises, vehicle or vessel, any notice

, or
authentic
his family
of the
file
have

¹ Substituted by D. C. Dept. notification No. 701-OR/41, dated the 15th February 1941, for the words "and shall also be liable to fine".

² Rule 117 A. inserted by D. C. Dept. notification No. 532-OR, 10, dated the 21st September 1940.

³ Substituted by D. C. Dept. notification No. 677-OR/41, dated the 1st February 1941, for the words "shall publish".

⁴ Inserted by *ibid.*

See slip

(2) Any officer or person who makes or causes to be made any seizure in pursuance of the provisions of sub-rule (1) shall forthwith report the fact of such seizure to the Central Government and, pending the receipt of the orders of the Central Government, may detain in custody anything so seized or take such other order for its safe custody as he may think proper.

(3) Anything seized in pursuance of the provisions of sub-rule (1) shall be disposed of in such manner as the Central Government may direct.

(4) Nothing in this rule shall apply to any visit, search, detention or capture made in the exercise of any right under international law, or affect any law relating to Prize or Prize Courts.

Further
powers of
search.

126. (1) The Central Government or the Provincial Government may by general or special order empower any person to—

(a) stop and search any vessel found in inland waterways ¹[or any vehicle as defined in clause (a) of sub-rule (1) of rule 89] ;

(b) search any place, and seize anything, which he has reason to believe has been, is being or is about to be, used for any purpose prejudicial ¹[to the efficient prosecution of war], to the defence of British India or to the public safety or interest.

(2) Any person empowered under sub-rule (1) shall forthwith report to the Provincial Government in detail any seizure made by him and, pending the receipt of its orders, may detain in custody anything so seized or take such other order for its safe custody as he may think proper.

(3) Anything seized by a person empowered under sub-rule (1) shall be disposed of in such manner as the Provincial Government may direct.

(4) A person empowered by the Central Government or the Provincial Government under sub-rule (1) may authorise any other person to exercise like powers to his own in the whole or any part of the area in respect of which that Government has empowered him.

Entry and
inspection of
land.

127. Any member of His Majesty's forces acting in the course of his duty as such, and any person authorised by the Central Government ²[or the Provincial Government], to act under this rule,—

(a) may enter on any land for the purpose of exercising any of the powers conferred in relation to that land by any of these Rules ;

¹ Inserted by D. C. Dept. notification No. 753-OR/41, dated the 10th May 1941.

² Inserted by D. C. Dept. notification No. 902-SM-41, dated the 5th July 1941.

- (b) may enter and inspect any land for the purpose of determining whether, and, if so, in what manner, any of those powers are to be exercised in relation to that land;
- (c) may, for any purpose connected with the defence of British India, the public safety, the efficient prosecution of war, or the maintenance of supplies and services essential to the life of the community, pass (with or without animals or vehicles) over any land.

128. Any police officer may arrest without warrant any person who is reasonably suspected of having committed, of committing or of being about to commit a contravention of any of rules ¹[12, 17, 27, 49, 51, 51A, 51B, 52, 53, 57, 76A, 78, 79, 80, 89, 118, 119 and 120].

General power to arrest without warrant.

128A/129. (1) Any police officer ~~not below the rank of head constable~~, or any other officer of Government empowered in this behalf by general or special order of the Central Government, ²[or of the Provincial Government] may arrest without warrant any person whom he reasonably suspects of having acted, of acting, or of being about to act,—

78A
further powers of arrest and detention.

- (a) with intent to assist any State at war with His Majesty, or in a manner prejudicial to the public safety or to the efficient prosecution of war;
- (b) in any area in which the Provincial Government has, by notification, declared that this clause shall become operative, in a manner calculated to promote, or to assist the promotion of, rebellion against the authority of Government;
- (c) in any prohibited place, ³[protected place or protected area, or any other place or area as respects which an order has been made under rule 9] in a manner prejudicial—
- (i) to the safety of any such place or area or of any industry, machinery or building in any such place or area;

¹ Substituted by D. C. Dept. notification No. 877-SM/41, dated the 20th September 1941, for the word, figures and letters "12, 27, 49, 51, 52, 53, 57, 119 and 120".

² Inserted by *ibid* No. 909-SM/41, dated the 11th October 1941.

³ Substituted by D. C. Dept. notification No. 305-OR/39, dated the 15th February 1941, for the words, brackets, letter and figures "protected place, protected area or any such place or area, as is referred to in clause (c) of sub-rule (1) of rule 9".

- (ii) to the output or effective control of any such industry or machinery.

(2) Any officer who makes an arrest in pursuance of sub-rule (1) shall forthwith report the fact of such arrest to the Provincial Government, and, pending the receipt of the orders of the Provincial Government, may, subject to the provisions of sub-rule (3), by order in writing, commit any person so arrested to such custody as the Provincial Government may by general or special order specify :

Provided—

- (i) that no person shall be detained in custody under this sub-rule for a period exceeding fifteen days without the order of the Provincial Government ; and

- (ii) that no person shall be detained in custody under this sub-rule for a period exceeding two months.

(3) If any person arrested under clause (c) of sub-rule (1) is prepared to furnish security, the officer who has arrested him may, instead of committing him to custody, release him on his executing a bond with or without sureties that he will not, pending the receipt of the orders of the Provincial Government, enter, reside or remain in the areas in respect of which he became liable to arrest.

(4) On receipt of any report made under the provisions of sub-rule (2), the Provincial Government may, in addition to making such order, subject to the second proviso to sub-rule (2), as may appear to be necessary for the temporary custody of any person arrested under this rule, make, in exercise of any power conferred upon it by any law for the time being in force, such final order as to his detention, release, residence or any other matter concerning him as may appear to the said Government in the circumstances of the case to be reasonable or necessary.

(5) Subject to the condition that nothing in this sub-rule shall be deemed to extend the limits of detention prescribed in the first and second provisos to sub-rule (2), the Provincial Government may direct that any person arrested under clause (a) or clause (b) of sub-rule (1) shall be removed to any other province of which the Provincial Government (hereinafter described as the second Government) has given its consent in this behalf, and thereupon such person shall be removed and the second Government shall take in respect of such person such action as may be lawful in like manner as if such person had been arrested within its province.

1898. (6) When security has been taken in pursuance of the provisions of sub-rule (3), the bond shall be deemed to be a bond taken under the Code of Criminal Procedure, 1898, by the Chief Presidency Magistrate or District Magistrate having jurisdiction in the area in respect of which the said security has been taken and the provisions of section 514 of the said Code shall apply accordingly.

130. (1) No Court or Tribunal shall take cognizance of any alleged contravention of these Rules, except on a report in writing of the facts constituting such contravention, made by a public servant. Cognizance of contraventions of the Rules, etc.

(2) Proceedings in respect of a contravention of the provisions of these Rules alleged to have been committed by any person may be taken before the appropriate Court having jurisdiction in the place where that person is for the time being.

1898. (3) Notwithstanding anything contained in Schedule II to the Code of Criminal Procedure, 1898, a contravention of ¹[any of the following rules, namely, 8A, 35, 98 and 104], shall be triable by a Court of Session, a Presidency Magistrate or a Magistrate of the first class.

1898. ²[130A. Notwithstanding anything contained in the Code of Criminal Procedure, 1898,* no person accused or convicted of a contravention of these Rules shall, if in custody, be released on bail or on his own bond, unless— Special provision regarding bail.

³[(a) The prosecution has been given an opportunity to oppose the application for such release, and]

~~+~~ (b) where the contravention is of any such provision of these Rules as the Central Government may by notified order specify in this behalf, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such contravention].

131. No proceedings for a contravention of clause (c) of sub-rule (1) of rule 38 in respect of a prejudicial report the publication of which is, or which is an incitement to the commission of, a prejudicial act of the nature described in clause (k) of sub-rule (6) of rule 34 shall be Special sanction for certain prosecutions.

¹ Substituted by D. C. Dept. notification No. 944-OR-41, dated the 9th August 1941, for the words, figures and letter "rule 8-A or rule 35".

* Inserted by D. C. Dept. notification No. 542-OR-40, dated the 15th February 1941.

³ Substituted by D. C. Dept. notification No. 542-OR-40, dated the 7th June 1941, for the original clause (a) of rule 130 A.

taken in respect of any document circulated by, or under the authority of, a candidate for election to a Chamber of the Central or of a Provincial Legislature, save with the written sanction of the Central Government or of the Provincial Government, as the case may be.

Power to
give effect to
rules, orders,
etc.

132. (1) Any authority, officer or person who is empowered by or in pursuance of ¹[the Defence of India Act, 1939, or] any of these Rules to make any order, or to exercise any other power may, in addition to any other action prescribed by or under these Rules, take, or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of such authority, officer or person, be reasonably necessary for securing compliance with, or for preventing or rectifying any contravention of, such order, or for the effective exercise of such power. XXXV of 1939

(2) Where in respect of any of the provisions of these Rules there is no authority, officer or person empowered to take action under sub-rule (1), the Central or the Provincial Government may take, or cause to be taken, such steps and use, or cause to be used, such force as may in the opinion of that Government be reasonably necessary for securing compliance with, or preventing or rectifying any breach of, such provision.

(3) For the avoidance of doubt it is hereby declared that the power to take steps under sub-rule (1) or under sub-rule (2) includes the power to enter upon any land or other property whatsoever.

Administra-
tor General
(Eastern
Frontier
Communica-
tions).

133. The Administrator General (Eastern Frontier Communications) may, if in his opinion it is necessary or expedient for carrying out his duties as such, exercise any power conferred on any authority by any of these Rules.

List of corrections carried
the Defence of India Rules
Copy).

C.S.No:		Rule	
		corrected.	C.S. Rule
		No:	corr- ected
1	51-G		
2	17		
3	18	43	119
4	62-B	44	45
5	76	45	50-B
6	79	46	52-A
7	81	47	59-B
8	83	48	59-C
9	51-F	49	62AA
10	62-C	50	62C
11	76	51	81
12	49	52	89
13	51-A	53	49-A
14	51-B	54	50
15	59-A		
	59-B		
16	78		
17	78-A		
18	89(2)	63	19-A
19	120A & B	64	128-A
20	128	65	130-A
21	24A	66	16-A
22	5	67	38-A
23	49(3A)	68	51-K
24	77	69	89
25	119	70	129
26	81A	71	51-L
27	119(2,3,& 4)	72	81-A
28	130A	73	22
29	34	74	26
30	40	75	51-E
31	51-H	76	77-A
32	35-A	77	81
33	81-B	78	98
34	87-A	79	34
35	93-A	80	50-B
36	133	81	62-AA
37	51-A(1)	82	76-B
38	51-J	83	81-C
39	66	84	7
40	19-A	85	27-A
41	81(2)(ba)	86	62-C.
42	78(4-A)	87	(C.S. adding 75-A not recd)
		88	24-A
		89	50-C
		90	51-F